

**PUBLIC MEETING OF THE NEBRASKA REAL PROPERTY APPRAISER BOARD  
 BY VIRTUAL CONFERENCING  
 Thursday, December 15, 2022, 9:00 a.m.  
 Nebraska Real Property Appraiser Board Office, First Floor, Nebraska State Office Building  
 301 Centennial Mall South, Lincoln, Nebraska**  
 \*\*\*\*\*

**AGENDA**

**A. Opening 9:00 a.m.**

**B. Notice of Meeting (Adopt Agenda)**

*The Nebraska Real Property Appraiser Board will meet in executive session for the purpose of reviewing applicants for credentialing; applicants for appraisal management company registration; investigations; pending litigation, or litigation that is imminent as evidenced by communication of a claim or threat of litigation; and employee performance evaluation. The Board will exit executive session at 10:00 a.m. If needed, the Board will re-enter executive session at the conclusion of the public agenda items discussion to complete review of the above-mentioned items. The Board will not take action on agenda items C, D, E, and F until executive session is completed.*

**C. Credentialing as a Nebraska Real Property Appraiser ..... 1-39**

- 1. New Applicants for Temporary Certified General Credential
  - a. 2108
- 2. Pending Applications
  - a. L21002
  - b. CG22024R
- 3. Applicants for Renewal of Real Property Appraiser Credential
  - a. CG2022015R
  - b. CR240060R
  - c. Post-November 30th Submissions

**D. Registration as an Appraisal Management Company**

**E. Consideration of Compliance Matters**

**F. Consideration of Other Executive Session Items ..... 1-102**

- 1. 2022.09
- 2. 2022.10
- 3. 2022.11
- 4. 2022.12
- 5. Request for Individualized Program of Continuing Education
  - a. CG910149
- 6. Personnel Matters

**G. Welcome and Chair’s Remarks (*Public Agenda 10:00 am*)**

**H. NRPAB Employee Recognition Award**

**I. Board Meeting Minutes**

- 1. Approval of November 17, 2022 Meeting Minutes ..... 1-8

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2. Per Diems	
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1. Open At-Large Licensed Real Estate Broker Position	
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1. Business and Education Program Manager Position	
<b>P. Legislative Report and Business</b>	
1. Title 298	
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3. Forms, Applications, and Procedures	
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3. Memos from the Board	
4. Quarterly Newsletter	
5. Appraisal Subcommittee	
a. ASC Quarterly Meeting: March 15, 2023 (online)	
6. The Appraisal Foundation	
a. TAF has Released Updated Version of Part 2 from the 2022-2023 7-Hour USPAP Update Course Student Manual Announcement	2
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**NEBRASKA REAL PROPERTY APPRAISER BOARD  
NRPAB OFFICE MEETING ROOM, FIRST FLOOR  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**November 17, 2022 Meeting Minutes**

**A. OPENING**

Chairperson Thomas Luhrs called to order the November 17, 2022 meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in the Nebraska Real Property Appraiser Board meeting room located on the first floor of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**B. NOTICE OF MEETING**

Chairperson Luhrs announced the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared on the State of Nebraska Public Calendar found at [www.nebraska.gov](http://www.nebraska.gov) on November 9, 2022. The agenda was kept current in the Nebraska Real Property Appraiser Board office and on the Board's website. In accordance with the Open Meetings Act, at least one copy of all reproducible written material for this meeting, either in paper or electronic form, was available for examination and copying by members of the public. The material in paper form was available on the table in a public folder, and the material in electronic form was available on the Board's website in Public Meeting Material ([https://appraiser.ne.gov/board\\_meetings/](https://appraiser.ne.gov/board_meetings/)). A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members Thomas Luhrs of Imperial, Nebraska, Wade Walkenhorst of Lincoln, Nebraska, Bonnie Downing of Dunning, Nebraska, Cody Gerdes of Lincoln, Nebraska, and Kevin Hermsen of Gretna, Nebraska were present. Also present were Director Tyler Kohtz, Business and Licensing Program Manager Allison Nespor, and Business and Education Program Manager Katja Peppe, who are headquartered in Lincoln, Nebraska.

**ADOPTION OF THE AGENDA**

Chairperson Luhrs reminded those present for the meeting that the agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Walkenhorst moved to adopt the agenda as printed. Board Member Downing seconded the motion. With no further discussion, the motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

Board Member Walkenhorst moved that the Board go into executive session for the purpose of reviewing applicants for credentialing; applicants for appraisal management company registration; investigations; pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation; and employee performance evaluation. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member Downing seconded the motion. The time on the meeting clock was 9:03 a.m. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

Board Member Downing moved to come out of executive session at 9:40 a.m. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

#### **G. WELCOME AND CHAIR'S REMARKS**

Chairperson Luhrs welcomed all to the November 17, 2022 meeting of the Nebraska Real Property Appraiser Board and indicated that he had no remarks. There were no members of the public present.

#### **H. BOARD MEETING MINUTES**

##### **1. APPROVAL OF OCTOBER 20, 2022 MEETING MINUTES**

Chairperson Luhrs asked for any additions or corrections to the October 20, 2022 meeting minutes. With no discussion, Chairperson Luhrs called for a motion. Board Member Walkenhorst moved to approve the October 20, 2022 meeting minutes as presented. Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and asked for any discussion. With no discussion, Chairperson Luhrs called for a vote. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

#### **I. DIRECTOR'S REPORT**

##### **1. REAL PROPERTY APPRAISER AND AMC COUNTS AND TRENDS**

###### **a. Real Property Appraiser Report**

Director Kohtz presented nine charts outlining the number of real property appraisers as of November 17, 2022 to the Board for review. The Director then informed the Board that the 2023-24 Appraiser Count Renewal Progress Report charts have also been added to the Real Property Appraiser Report. The Director indicated that he had no specific comments on this report, and asked for any questions or comments. There was no discussion.

###### **b. Temporary Real Property Appraiser Report**

Director Kohtz presented three charts outlining the number of temporary credentials issued as of October 31, 2022 to the Board for review. The Director reported that he had no comments and asked for any questions or comments. There was no discussion.

###### **c. Supervisory Real Property Appraiser Report**

Director Kohtz presented two charts outlining the number of supervisory real property appraisers as of November 17, 2022 to the Board for review. The Director reported that there were no changes in trends and that he had no specific comments. Director Kohtz asked for any questions or comments. There was no further discussion.

###### **d. Appraisal Management Company Report**

Director Kohtz presented two charts outlining the number of AMCs as of November 17, 2022 to the Board for review. Director Kohtz remarked that the downward trend in registrations seems to have stabilized. The Director asked for any questions or comments. There was no further discussion.

## **2. DIRECTOR APPROVAL OF APPLICANTS**

### **a. Real Property Appraiser Report**

Director Kohtz presented the Real Property Appraiser Report to the Board for review showing real property appraiser applicants approved for credentialing by the Director, and the real property appraiser applicants approved to sit for exam by the Director, for the period between October 4, 2022 and November 8, 2022. The Director asked for any questions or comments. There was no further discussion.

### **b. Education Activity and Instructors Report**

Director Kohtz presented the Education Activities and Instructors Report to the Board for review showing education activities and instructors approved by the Director for the period between October 4, 2022 and November 8, 2022. The Director asked for any questions or comments. There was no further discussion.

## **3. 2022-23 NRPAB GOALS AND OBJECTIVES + SWOT ANALYSIS**

Director Kohtz presented the 2022-23 NRPAB Goals and Objectives and SWOT Analysis to the Board for review and provided a status update. The Director brought attention to goals related to Laws, Rules, and Guidance Documents, and reminded the Board that it decided not to pursue changes to the Nebraska Real Property Appraiser and Nebraska Appraisal Management Company Registration Acts at its regular meeting in October, therefore the tasks related to bill drafting have been completed. Director Kohtz moved on to goals related to Education. The Director informed the Board that the article on 2023-24 real property appraiser renewals in the fall edition of The Nebraska Appraiser includes a section encouraging Nebraska real property appraisers to complete continuing education related to their area of real property appraisal focus. BLPM Nespor displayed this language in The Nebraska Appraiser on the screen for the Board's review. All Board Members agreed with the language used. Director Kohtz indicated that this goal is complete. Director Kohtz reported that the message screen for use to disseminate relevant timely information was added to the NRPAB website, so this goal under Public Information is also complete. Finally, the Director guided the Board's attention to goals related to Administration. Director Kohtz remarked that little progress was made on AMC renewal application and AMC Interface testing this month due to focus on real property appraiser renewals. The Director asked for any questions or comments. There was no further discussion.

## **J. FINANCIAL REPORT AND CONSIDERATIONS – NOVEMBER 2022**

### **1. APPROVAL OF OCTOBER RECEIPTS AND EXPENDITURES**

The receipts and expenditures for October were presented to the Board for review in the Budget Status Report. Director Kohtz brought attention to the Data Processing Expense of \$11,139.46 and informed the Board that this expenditure is for two months of data processing expenditures; the September bill was held for corrections. The Director also noted the Household & Instit Exp expense of \$68.00, which was the cost of an NRPAB logo sweater that he ordered. Director Kohtz indicated that expenditures for the month of October totaled \$33,576.40, and the year-to-date expenditures for the fiscal year are \$119,765.75, which amounts to 24.93 percent of the budgeted expenditures for the fiscal year; 33.70 percent of the fiscal year has passed. The Director stated that the agency is doing well in terms of expenditures.

The Director turned the Board's attention to revenues and reported that real property appraiser renewal revenues are typical for this time of year. Director Kohtz indicated that revenues for October were \$33,240.80, and that the year-to-date revenues for the fiscal year are \$108,854.36, which amounts to 25.63 percent of the projected revenues for the fiscal year. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz then brought attention to the MTD General Ledger for October. The Director noted the ART FX SCREENPRINTING entry on page J.7, which is for the logo sweater previously mentioned. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz presented four graphs showing expenses, revenues, and cash balances. The Director once again pointed out the expenditures and revenues for the month of October for the Real Property Appraiser Program, which includes both the Appraiser Fund and the AMC Fund. Director Kohtz then reported that Real Property Appraiser Fund revenues for the month of October totaled \$28,186.04, the Real Property Appraiser Fund expenses totaled \$18,300.98, the AMC Fund revenues totaled \$5,054.76, and the AMC Fund expenses totaled \$15,275.42. The Director then remarked that the cash balance for the AMC Fund is \$329,367.50, the Appraiser Fund is \$379,292.59, and the overall cash balance for both funds is \$708,660.09. The Director asked for any questions or comments. There was no further discussion.

Board Member Walkenhorst moved to accept and file the October 2022 financial reports for audit. Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and asked for any discussion. With no discussion, Chairperson Luhrs asked for a vote. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

## **2. PER DIEMS**

Director Kohtz informed the Board that he had no per diem requests for this meeting, and asked if any board members had a request for the Board to consider. There was no further discussion.

## **K. GENERAL PUBLIC COMMENTS**

Chairperson Luhrs asked for any public comments. No members of the public were present. With no comments, Chairperson Luhrs moved on to Consideration of Education/Instructor requests.

## **L. CONSIDERATION OF EDUCATION/INSTRUCTOR REQUESTS: No discussion.**

## **M. UNFINISHED BUSINESS**

### **1. OPEN AT-LARGE LICENSED REAL ESTATE BROKER POSITION**

Director Kohtz reported that he has not received any information from the Governor's office about the open At-large Licensed Real Estate Broker position, so it is reasonable to assume that no applications have been received by the Governor's office to date. The Director asked for any questions or comments. There was no discussion.

**2. RENEWAL SEASON TEMPORARY EMPLOYEE**

Director Kohtz reported that the SOS temporary employee was relieved from her assignment. Time spent in training and work review exceeded expectations and began to negatively impact the agency's productivity. The Director reported that there is no one in the SOS employee pool for this assignment, so permanent staff will take on all functions related to real property appraiser credential renewals. Chairperson Luhrs asked if overtime would be required to get through real property appraiser credential renewal season. Director Kohtz replied affirmatively; all budgeted overtime will be utilized, and the number of additional hours required by staff may result in a future budget amendment to move unused per diem funding to overtime. Board Member Walkenhorst asked if the agency can move the funds allocated for the SOS temporary employee to permanent employee overtime. Director Kohtz responded that that is not possible as the personal service limitation is established by the Nebraska State Legislature for salaries, so funding cannot be moved into personal service limitation from operating expense funding. The Director informed the Board that last year was the first time that the agency expended all of its overtime funding for real property appraiser credential renewals; this year will be no different. Chairperson Luhrs asked if the Board could approve a miscellaneous expense to cover the extra overtime. Director Kohtz stated that the salary limit would not allow for this. The Director expressed confidence that permanent staff will complete the processing of real property appraiser renewals and meet all of the timeliness requirements. The Director added that it is the Board's other operations that will see a lag in efficiency. Director Kohtz expressed optimism that next year another full-time staff member will relieve the current pressure as this addition would focus on real property appraiser renewals during this time of year. BLPM Nespor brought attention to the fact that the online renewal application has made things faster, and reported that approximately 67% of renewal applications received so far this season have been online. The Director asked for any questions or comments. There was no discussion.

**N. NEW BUSINESS:** No discussion.

**O. LEGISLATIVE REPORT AND BUSINESS**

Director Kohtz reported that Bill Marienau, legal counsel for the Banking, Commerce, and Insurance Legislative Committee, is retiring at the end of the year. The Director remarked that he plans to build a relationship with the committee's new legal counsel as soon as someone is selected. The Director asked for any questions or comments about legislative business. There was no further discussion.

**P. ADMINISTRATIVE BUSINESS:** No discussion.

## **Q. OTHER BUSINESS**

### **1. BOARD MEETINGS**

#### **a. Virtual Conferencing Format for December, January, and February Meetings**

Director Kohtz asked whether the Board had interested in once again holding the December, January, and February meetings by virtual conferencing. The Director stated that virtual attendance is optional and board members may choose to attend in-person. Board Member Downing expressed support for virtual conferencing as winter weather is unpredictable. Board Member Walkenhorst moved to hold the December, January, and February meetings by virtual conferencing. Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and asked for any discussion. With no discussion, Chairperson Luhrs asked for a vote. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

### **2. CONFERENCES/EDUCATION**

#### **a. Kohtz Fall AARO Conference Report**

Director Kohtz presented his Fall AARO Conference Report to the Board for review. The Director stated that the report summarizes the conference content well, and he has no additional comments to share. Director Kohtz asked for any questions or comments. There was no further discussion.

### **3. MEMOS FROM THE BOARD: No discussion.**

### **4. QUARTERLY NEWSLETTER**

#### **a. Fall 2022 Edition of The Nebraska Appraiser**

Director Kohtz presented the Fall 2022 Edition of The Nebraska Appraiser to the Board for consideration. The Director asked for any questions or comments. With no discussion, Chairperson Luhrs asked for a motion. Board Member Downing moved to approve the Fall 2022 Edition of The Nebraska Appraiser as presented. Board Member Walkenhorst seconded the motion. Chairperson Luhrs recognized the motion and asked for any discussion. With no discussion, Chairperson Luhrs asked for a vote. The motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

### **5. APPRAISAL SUBCOMMITTEE**

#### **a. 2023 ASC Compliance Review – March 13-17, 2023**

Director Kohtz reported that the Appraisal Subcommittee has scheduled its compliance review of Nebraska's appraiser and AMC programs for March 13-17, 2023. The Director indicated that this was originally to be scheduled for 2024, but the ASC shuffled its schedule based on a request from another state. The Director asked for any questions or comments. There was no discussion.

### **6. THE APPRAISAL FOUNDATION**

#### **a. TAF October State Regulator Newsletter**

Director Kohtz presented The Appraisal Foundation's October State Regulator Newsletter to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no discussion.



**b. TAF November Newsletter**

Director Kohtz presented The Appraisal Foundation's November Newsletter to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no discussion.

**7. ASSOCIATION OF APPRAISER REGULATORY OFFICIALS:** No discussion.

**8. IN THE NEWS:** No discussion.

**C. CREDENTIALING AS A NEBRASKA REAL PROPERTY APPRAISER**

The Board reviewed L22005, 2096, and CG22024R. Chairperson Luhrs asked for a motion on L22005, 2096, and CG22024R.

Board Member Walkenhorst moved to take the following action:

**L22005 / Approve to sit for exam and authorize Director to issue credential as a licensed residential real property appraiser upon providing evidence of successful completion of the national uniform licensing and certification examination and providing the necessary fees. Provide redacted copy of USPAP Compliance Review Report and issue written advisory directing the applicant to take notice of the findings in the USPAP Compliance Review Report.**

Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and called for a vote. Motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

Board Member Walkenhorst moved to take the following action:

**2096 / Deny for acts and omissions that shall be considered grounds for denial of an application under Neb. Rev. Stat. 76-2238(2),(16).**

Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and called for a vote. Motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

Board Member Walkenhorst moved to take the following action:

**CG22024R / Hold.**

Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and called for a vote. Motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

**D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY:** No discussion.

**E. CONSIDERATION OF COMPLIANCE MATTERS:** No discussion.

**F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS**

**1. REQUEST FOR INDIVIDUALIZED PROGRAM OF CONTINUING EDUCATION**

**a. L280227**

The Board reviewed a request for an individualized program of continuing education. L280227 requested that an education activity offered by a specific education provider, not approved by the Board for continuing education at the time of completion, be allowed as continuing education. Board Member Walkenhorst moved to deny the request for individualized program of continuing education as the request for such program was made by the requestor with knowledge that the education activity in question was not approved by the Board at the time of registration by the requestor. Board Member Downing seconded the motion. Chairperson Luhrs recognized the motion and called for a vote. Motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye.

**2. PERSONNEL MATTERS:** No discussion.

**R. ADJOURNMENT**

Board Member Walkenhorst moved to adjourn the meeting. Board Member Downing seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, Hermsen, and Luhrs voting aye. At 10:11 a.m., Chairperson Luhrs adjourned the November 17, 2022 meeting of the Real Property Appraiser Board.

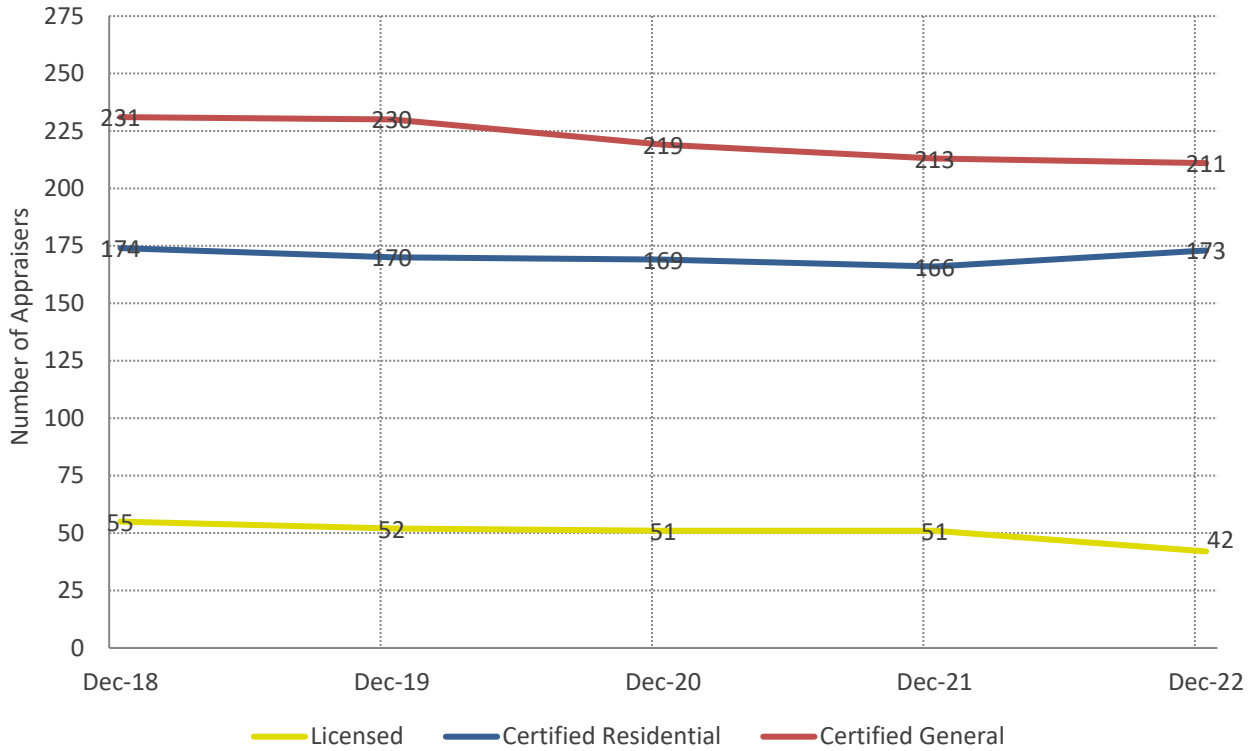
Respectfully submitted,

Tyler N. Kohtz  
Director

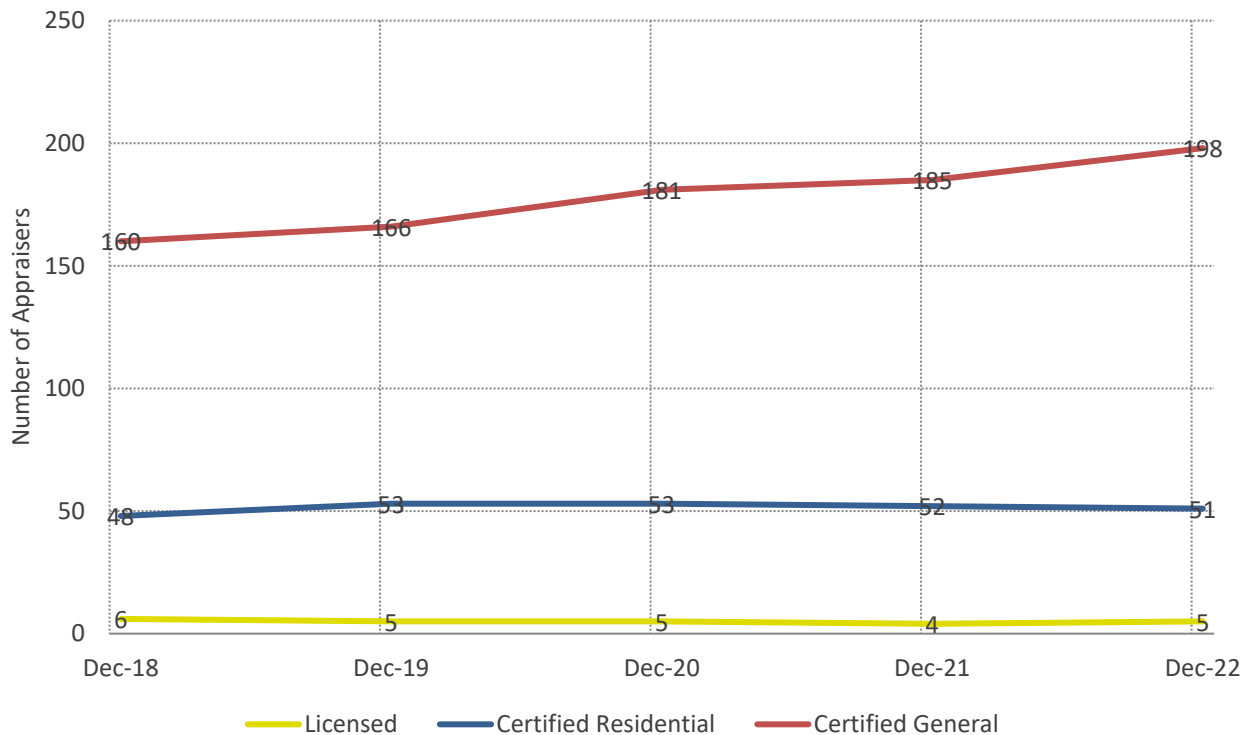
These minutes were available for public inspection on December 2, 2022, in compliance with Nebraska Revised Statute § 84-1413 (5).

# Real Property Appraiser Report

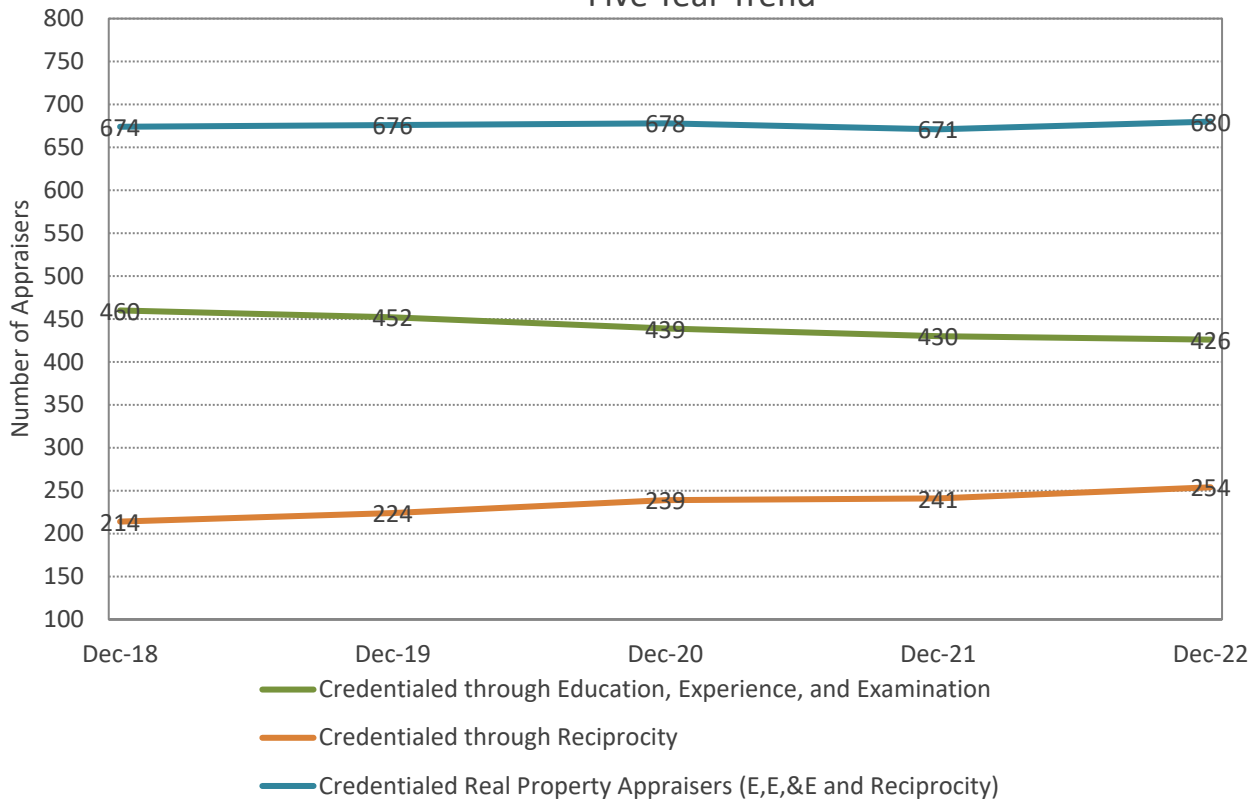
Real Property Appraisers Credentialed through Education, Experience, and Examination (not including Trainee) - Five Year Trend



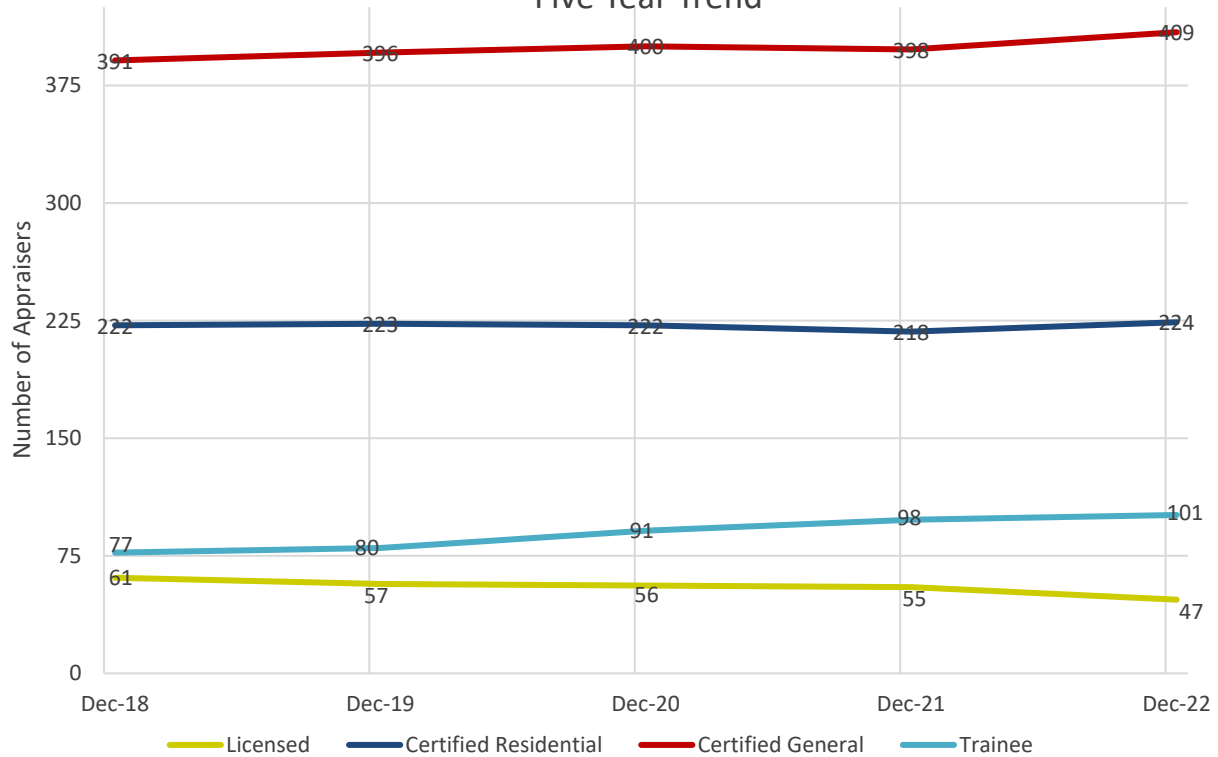
Real Property Appraisers by Classification Credentialed through Reciprocity - Five Year Trend



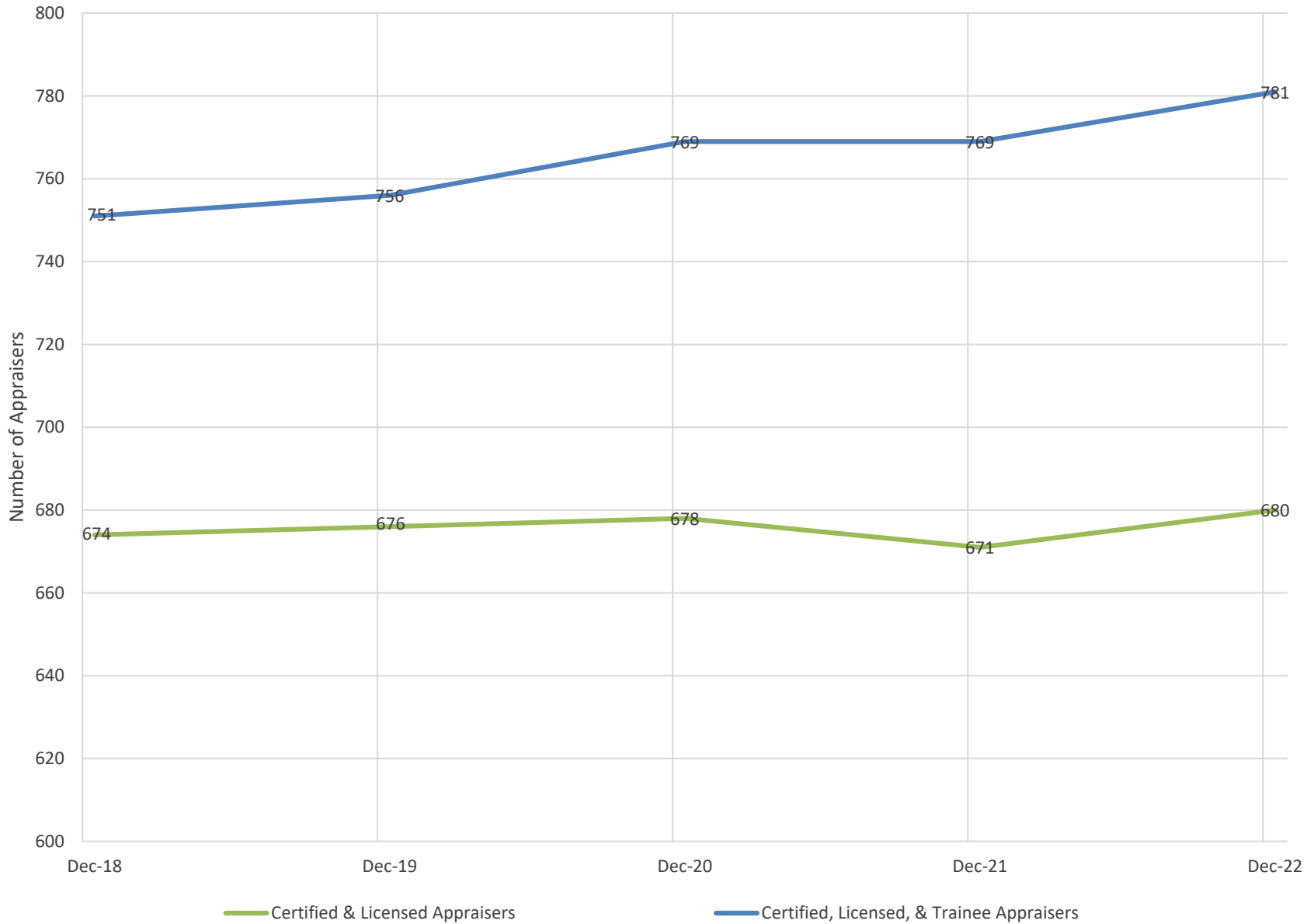
### Total Real Property Appraisers (not including Trainee) - Five Year Trend



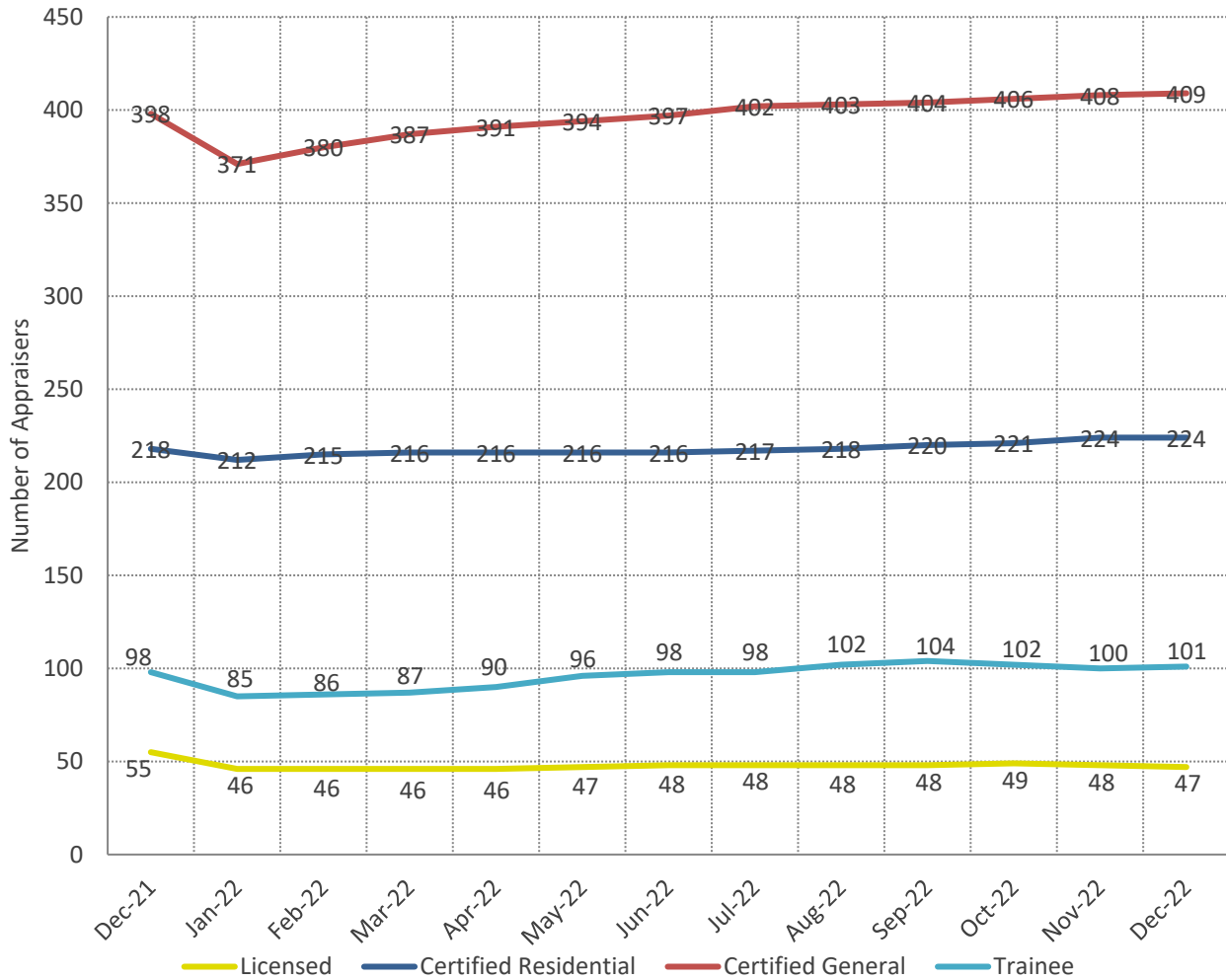
### Total Real Property Appraisers by Classification - Five Year Trend



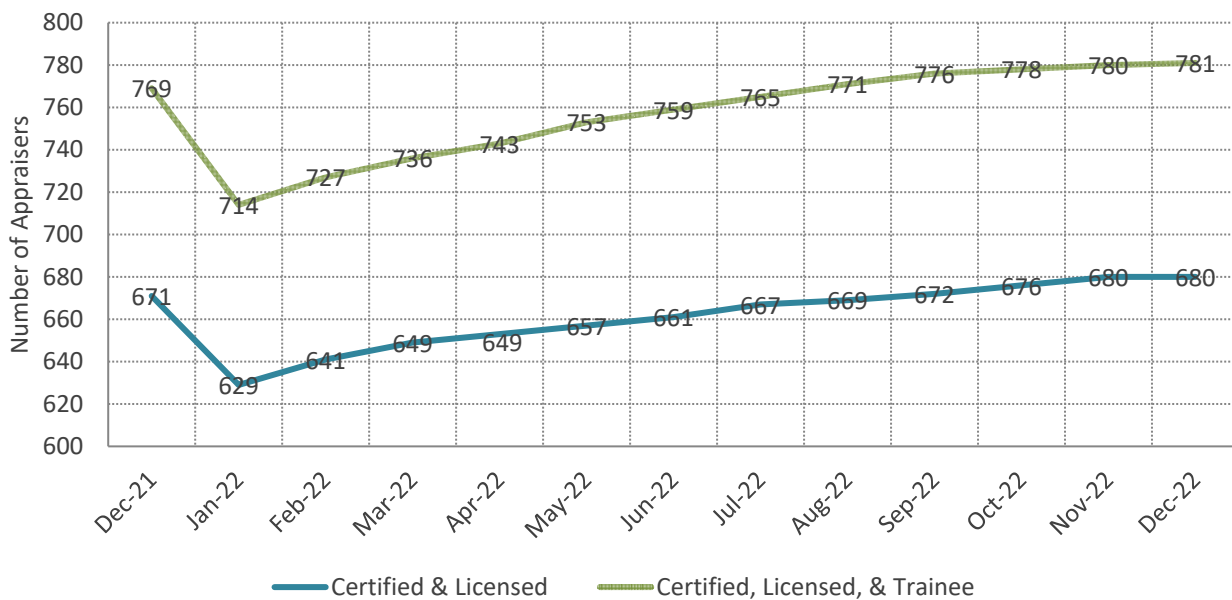
Total Real Property Appraisers - Five Year Trend



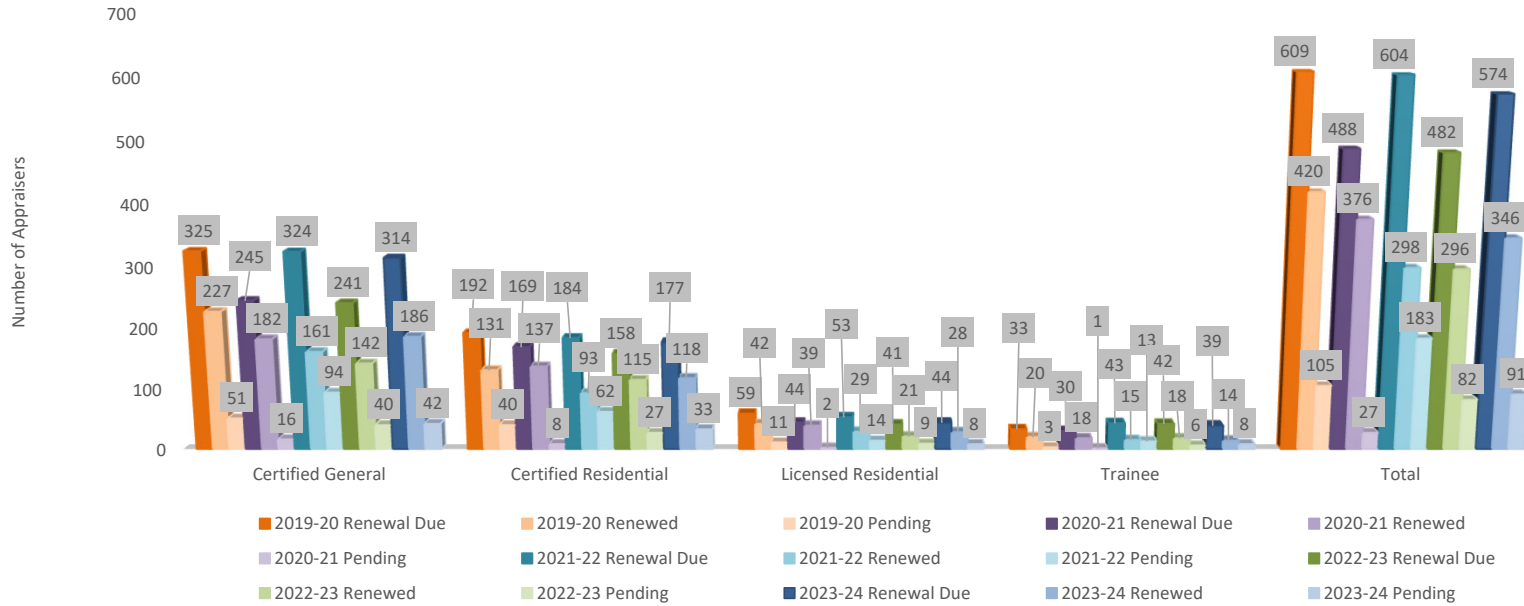
### Real Property Appraisers by Classification - Thirteen Month Trend



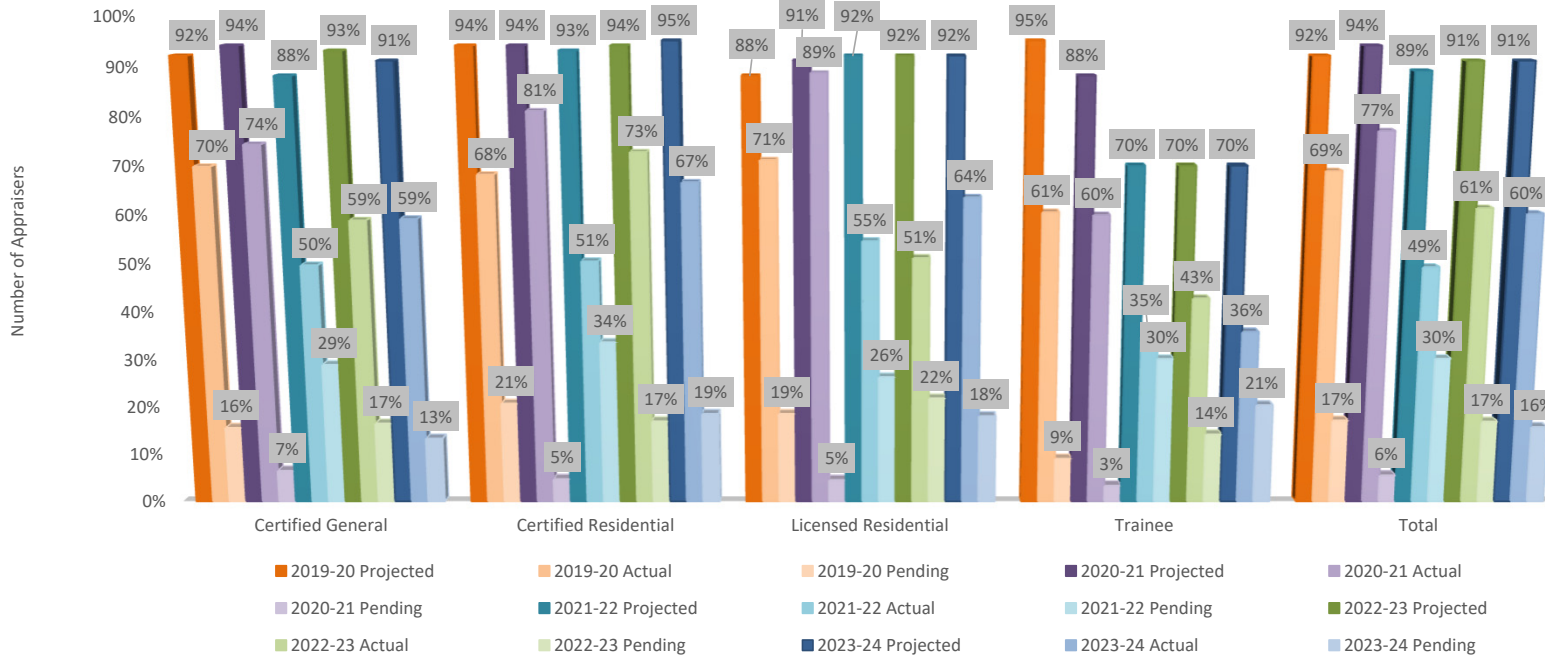
### Total Real Property Appraisers - Thirteen Month Trend



## 2023-24 APPRAISER COUNT RENEWAL REPORT - 12/8/2022

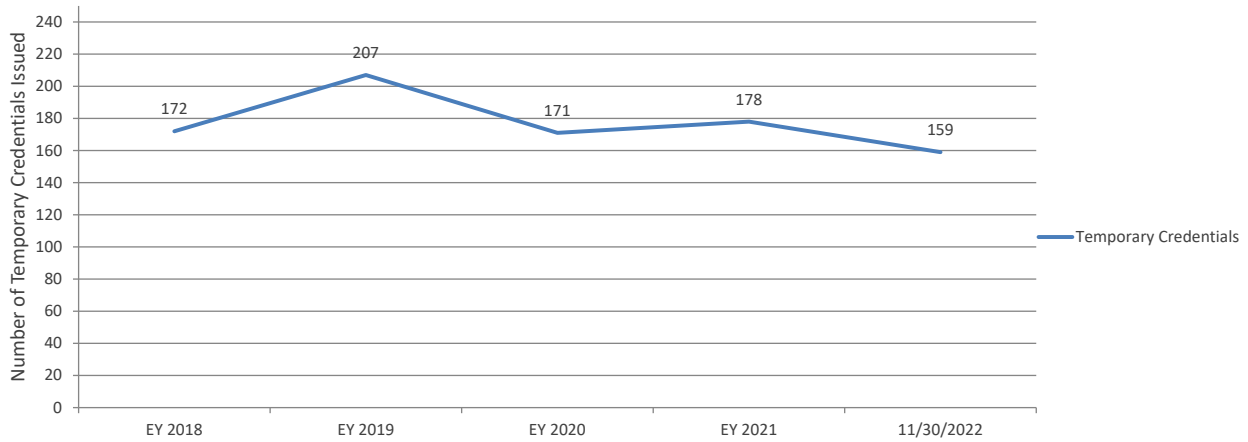


## 2023-24 PERCENTAGE PROJECTIONS/ACTUALS RENEWAL REPORT - 12/8/2022

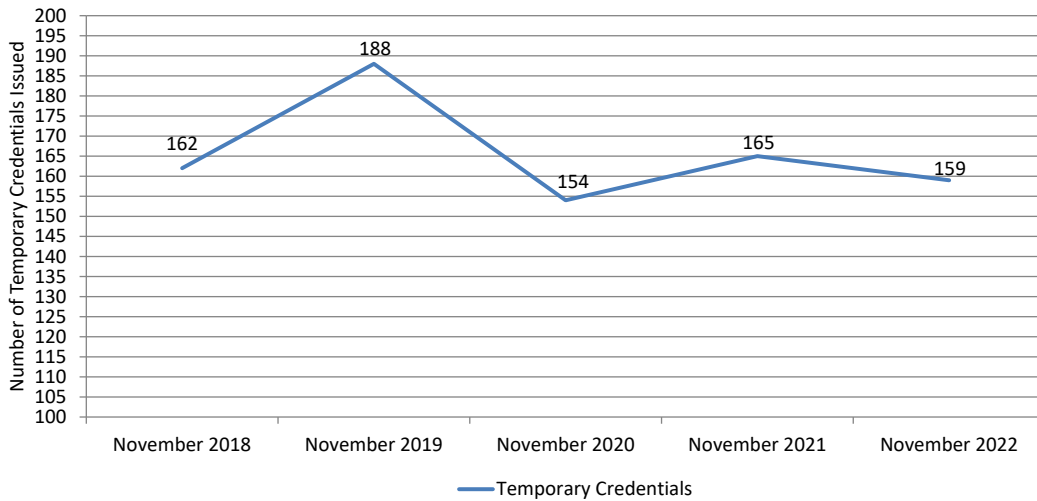


## Temporary Real Property Appraiser Report

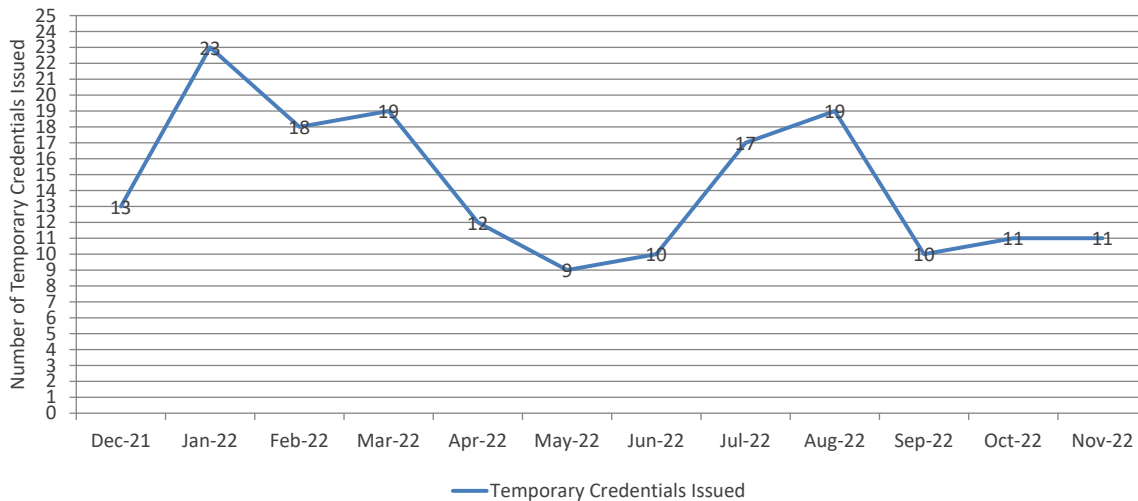
Temporary Real Property Appraiser Credentials Issued by Calendar Year - Five Year Trend



Year-to-date Temporary Real Property Appraiser Credentials Issued - Five Year Trend



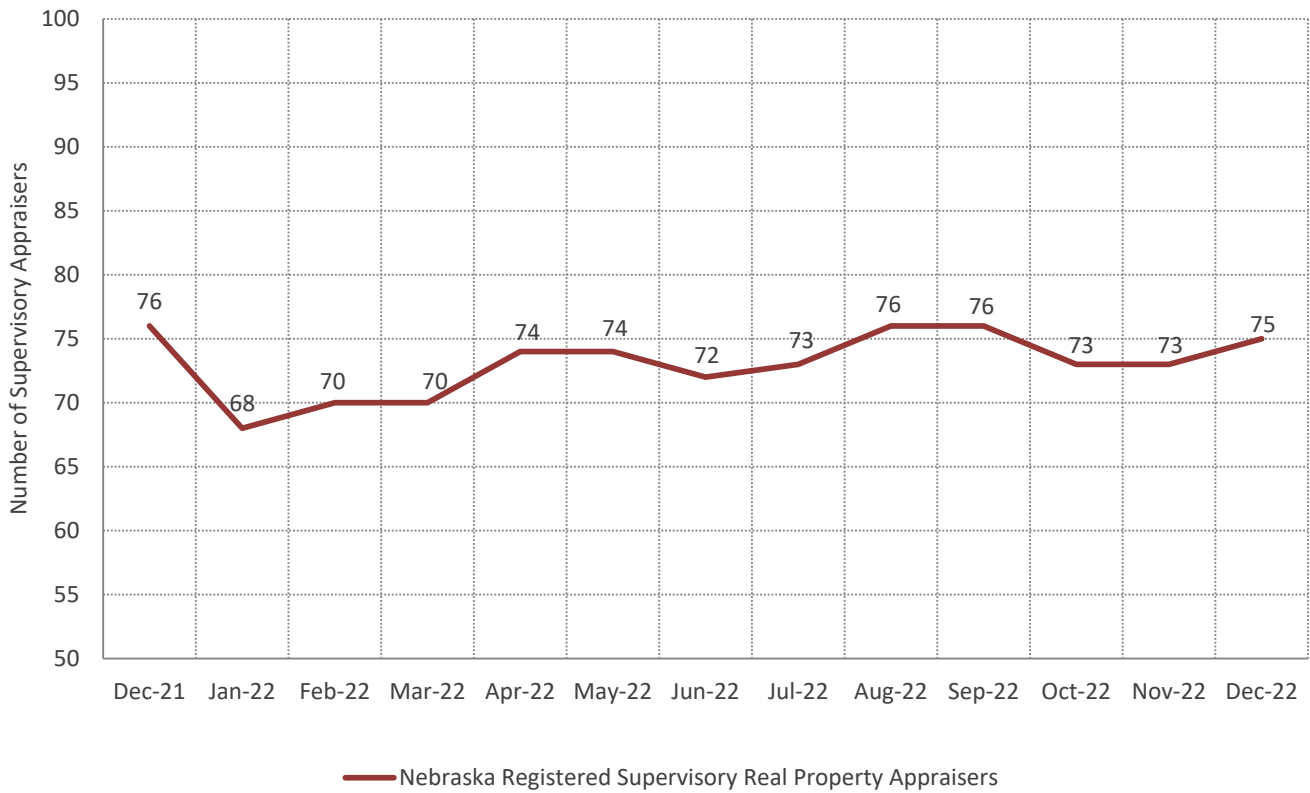
Temporary Real Property Appraiser Credentials Issued by Month - Twelve Month Trend



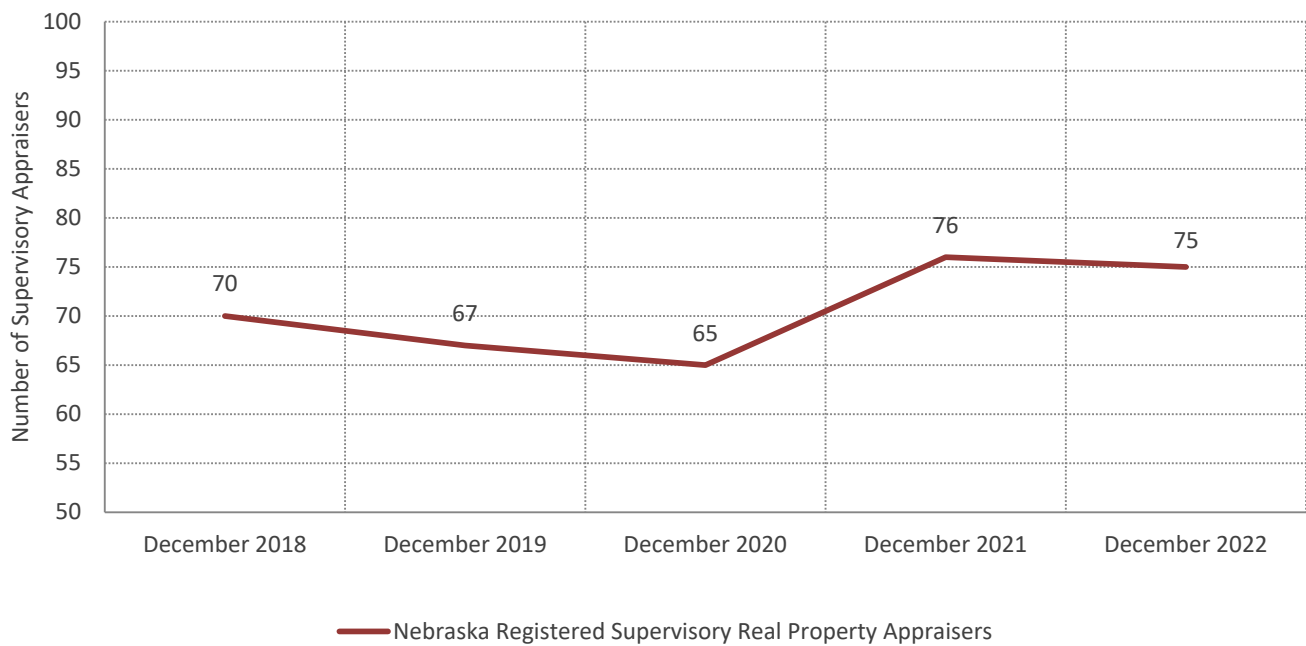


# Supervisory Real Property Appraiser Report

## Registered Supervisory Real Property Appraisers - Thirteen Month Trend

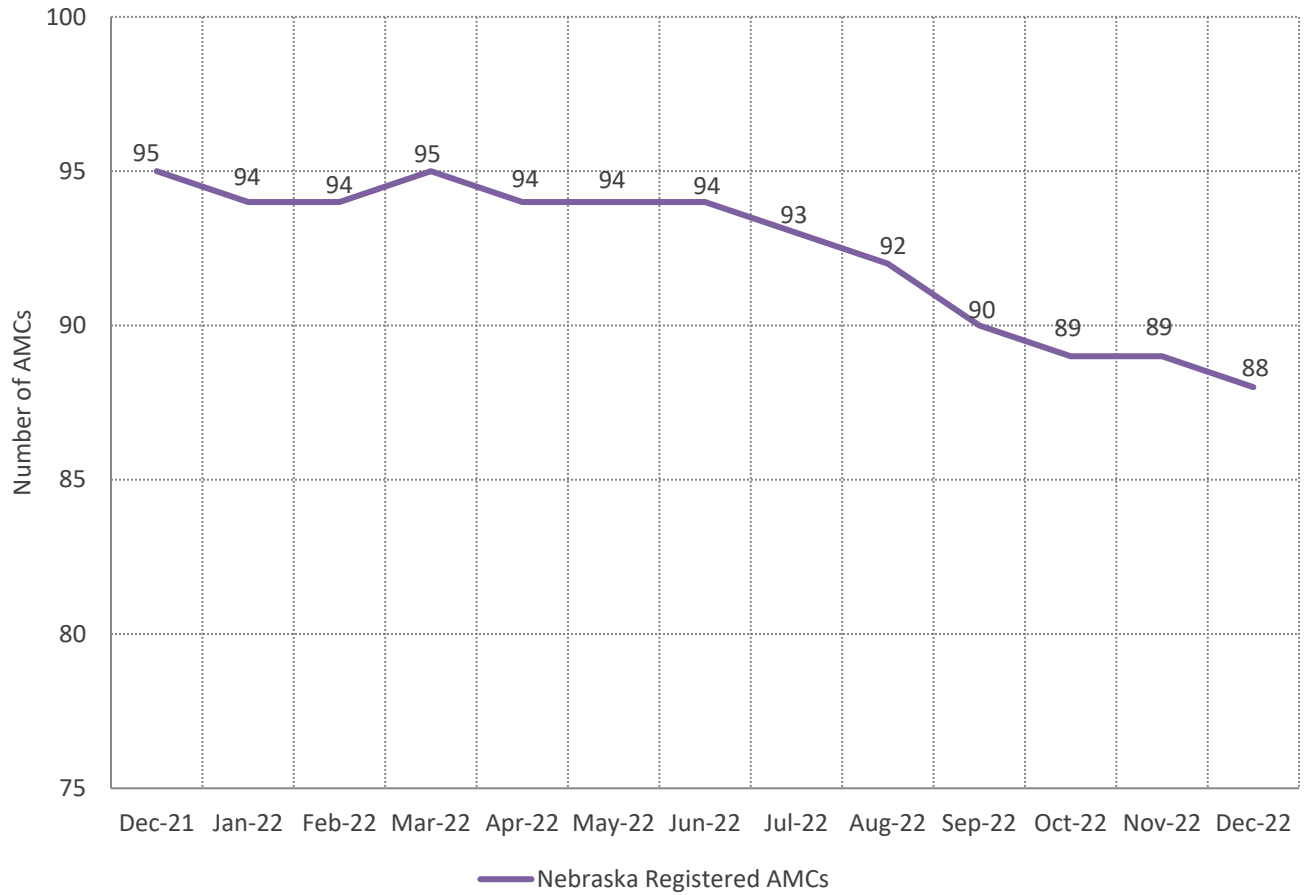


## Registered Supervisory Real Property Appraisers - Five Year Trend

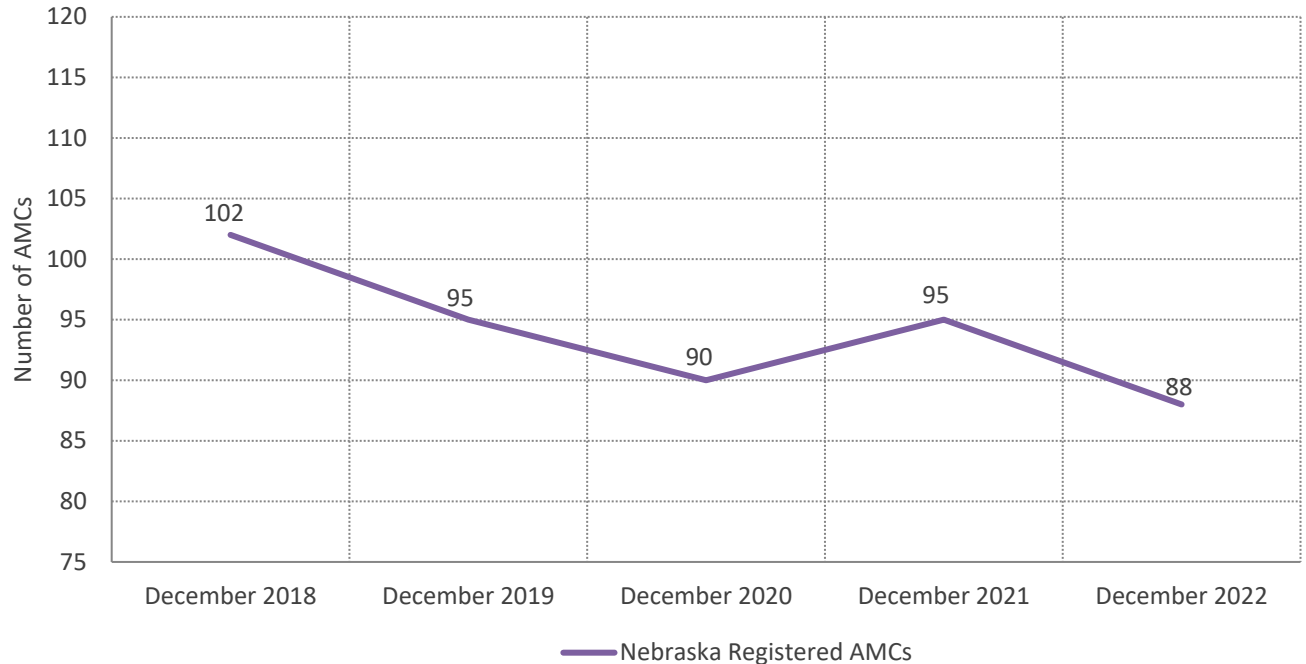


# Appraisal Management Company Report

## Appraisal Management Companies - Thirteen Month Trend



## Appraisal Management Companies - Five Year Trend



# NEBRASKA REAL PROPERTY APPRAISER BOARD

## DIRECTOR APPROVAL OF REAL PROPERTY APPRAISER APPLICANTS

November 9, 2022 – December 6, 2022

<i>New Trainee Real Property Appraisers</i>		
T2022023	Courtney Oswald	Approved November 10, 2022
<i>New Certified Residential Real Property Appraisers through Reciprocity</i>		
CR22014R	William Mousel	Approved November 10, 2022
<i>New Certified General Real Property Appraisers through Reciprocity</i>		
CG22027R	Justin Uhrig	Approved December 6, 2022

**2022-23 Nebraska Real Property Appraiser Board Goals and Objectives  
June 15, 2022 Strategic Planning Meeting**

	<b>SHORT TERM GOALS / OBJECTIVES</b>	<b>EXPECTED COMPLETION DATE</b>	<b>STATUS/GOAL MET</b>	<b>LONG TERM GOALS / OBJECTIVES</b>	<b>EXPECTED COMPLETION DATE</b>	<b>NOTES</b>
<b>LAWS, RULES, AND GUIDANCE DOCUMENTS</b>	Work with the Banking, Commerce and Insurance Legislative Committee's Legal Counsel to draft a bill for introduction addressing the changes needed in the Real Property Appraiser Act, which includes but is not limited to the ASC SOA recommendations.	12/31/2022	Completed in October - No Legislative Bill in 2023.	Address changes to USPAP, Real Property Appraiser Qualifications Criteria, ASC Policy Statements, AQB CAP Program Guidelines, and Title XI as required.	Ongoing.	
	Work with the Banking, Commerce and Insurance Legislative Committee's Legal Counsel to draft a bill for introduction addressing the changes needed in the AMC Registration Act, which includes but is not limited to the ASC SOA recommendations and inclusion of criminal and civil immunity language.	12/31/2022	Completed in October - No Legislative Bill in 2023.	Harmonize Title 298 with the changes made to the Nebraska Real Property Appraiser Act and Appraisal Management Company Registration Act as needed.	Ongoing.	
	Adopt Title 298 changes to reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession, provide for better clarification and administration, harmonize Title 298 with the changes made to the Nebraska Real Property Appraiser Act through LB707 in 2022, and incorporate changes made to the Real Property Appraiser Qualification Criteria and CAP Guidelines effective January 1, 2022.	6/30/2023	Proposed rules adopted by Board after November 17, 2022 Hearing. All required documents have been delivered to the Attorney	Continue to monitor the effectiveness of regulations to reduce unnecessary regulatory burden, remove barriers to entry into the real property appraiser profession, maintain an effective education program, and provide for better clarification and administration.	Ongoing.	
				Continue to adopt Guidance Documents for public advisement concerning interpretation of statutes and rules, and retire Guidance Documents that are no longer relevant.	Ongoing.	
				Continue to adopt internal procedures as needed to assist with the Board's administration of its programs, and retire internal procedures that are no longer relevant.	Ongoing.	
<b>COMPLIANCE</b>	None			None		
<b>CREDENTIALING AND REGISTRATION</b>	Explore change to real property appraiser credential renewal dates.	6/30/2023		Explore opportunities to increase the number of Nebraska resident real property appraisers.	Ongoing.	
	Explore alternatives for verification of AMC owner AMC Rule background compliance related to AMC registration renewal.	6/30/2023				
<b>EDUCATION</b>	Add language to the Certified General Real Property Appraiser Requirements document located on the Board's website encouraging potential real property appraiser applicants who intend to engage in real property appraisal practice pertaining to agricultural real property complete agricultural-based qualifying education offered by an education provider with an expertise in agricultural appraisal.	6/30/2023		Encourage trainee real property appraisers who intend to engage in real property appraisal practice pertaining to agricultural real property upon credentialing as a certified general real property appraiser complete agricultural-based qualifying education offered by an education provider with an expertise in agricultural appraisal in approval letter sent to trainee real property appraisers.	Ongoing.	
	Send letter to all registered supervisory real property appraisers describing the real property appraisal practice deficiencies observed by the Board concerning the appraisal of agricultural real property and to request that supervisory real property appraisers encourage their trainee real property appraisers who intend to engage in real property appraisal practice pertaining to agricultural real property upon credentialing as a certified general real property appraiser, to complete agricultural-based qualifying education offered by an education provider with an expertise in agricultural appraisal.	6/30/2023		Request that supervisory real property appraisers with trainee real property appraisers who intend to engage in real property appraisal practice pertaining to agricultural real property upon credentialing as a certified general real property appraiser encourage their trainee real property appraisers to complete agricultural-based qualifying education offered by an education provider with an expertise in agricultural appraisal in approval letter sent to supervisory real property appraisers.	Ongoing.	
	Send letter to American Society of Farm Managers and Rural Appraisers describing the real property appraisal practice deficiencies observed by the Board concerning the appraisal of agricultural real property and requesting that the organization consider increasing its frequency and availability of synchronous, asynchronous, and hybrid qualifying and continuing education offerings.	6/30/2023				
	Include language in the 2023-2024 Credential Renewal Reminder and Information article in the fall edition of The Nebraska Appraiser encouraging Nebraska real property appraisers to complete continuing education related to their area of real property appraisal practice focus.	12/31/2022	Completed in November.			
	Include a new Q&A in the 2023-2024 Credential Renewal Questions and Answers encouraging Nebraska real property appraisers to complete continuing education related to their area of real property appraisal practice focus.	12/31/2022				
<b>PERSONNEL</b>	Add additional Administrative Specialist classified employee. Adequate staffing is required to carry out the Board's mission, maintain a high-level operation, remain compliant with Title XI, and to maintain public satisfaction.	6/30/2023		Continue updating the policies and procedures documents as needed to ensure compliance with state policy changes, NAPE/ASFCME contract changes and to address general work environment needs and/or changes.	Ongoing.	
	Utilize SOS temporary employee as available to assist with processing real property appraiser renewal applications for the 2023-24 real property appraiser renewals.	6/30/2023	Completed in October.			
	Add the Juneteenth holiday to the NRPAB Employee Handbook.	12/31/2022	Completed in July.			
<b>PUBLIC INFORMATION</b>	Explore adding disciplinary action orders/consent agreements to the Appraiser Listing search as a PDF attachment (Obtain quote form CIO and present to the Board for consideration).	6/30/2023		Encourage development of Memos from the Board and Facebook posts that contain facts of interest to the appraiser community.	Ongoing.	
	Remove Education Provider Offerings Calendar from the NRPAB website.	12/31/2022		Continue utilizing the NRPAB website, NRPAB Facebook page, The Nebraska Appraiser, and Memos from the Board to disseminate relevant and important information to the appraisal business community and the general public in a timely manner. This includes information related to state and federal regulations, credentialing and registration requirements, renewal information, education information, Board policies and procedures, documents posted to the NRPAB website, meeting information, and other information that affects the industry.	Ongoing.	
	Restructure the Appraiser Listing page on the NRPAB website and remove the distribution map.	6/30/2023		Continue utilization of Memos from the Board to disseminate important information in a timely manner that should not be held for the next release of The Nebraska Appraiser.	Ongoing.	
	Complete addition of a solid or scrolling message screen at the top of the NRPAB website for use to disseminate relevant timely information, such as notices of meetings.	12/31/2022	Completed in November.	Continue releasing new issues of The Nebraska Appraiser on a quarterly basis to disseminate important information to the appraisal business community and the general public in an effective and efficient manner.	Ongoing.	
				Continue to monitor the effectiveness of current NRPAB website, and repair bugs and make improvements and add enhancements needed to address functionality or use.	Ongoing.	
			Explore the development and implementation of an updated NRPAB logo.	None.		

**2022-23 Nebraska Real Property Appraiser Board Goals and Objectives  
June 15, 2022 Strategic Planning Meeting**

<b>ADMINISTRATION</b>	Complete supervisory real property appraiser list derived from Application for Renewal of Nebraska Real Property Appraiser Credential.	6/30/2023	Completed in July.	Continue to monitor the effectiveness of current processes and procedures, and update processes and procedures as needed to maintain effectiveness and efficiency of the administration of the Board's programs.	Ongoing.	
	Explore use of Federal grant money to pursue development of a translator system between the NRPAB Database and the ASC Federal Registry system.	6/30/2023		Continue to monitor the effectiveness of current NRPAB database, repair bugs, and make improvements and add enhancements needed to address program or use changes.	Ongoing.	
	Complete online AMC renewal application and upgrade to the AMC Interface in the NRPAB Database.	6/30/2023	This project has started.	Explore online real property appraiser initial applications (Reciprocity; E,E,&E; Temporary) AMC initial applications, education activity applications, and other services that require payment of a fee.	None.	
<b>FINANCIALS</b>	Include request for an increase in funding for CIO and technology maintenance expenditures, additional AARS contractor services, and an additional Administrative Specialist classified employee in the FY2023-25 Biennial Budget Request.	12/31/2023	Completed in August.	None.		

**2022-23 NRPAB SWOT Analysis**

<p><b>STRENGTHS:</b></p> <ul style="list-style-type: none"> <li>- Customer service</li> <li>- Organization</li> <li>- Board member knoweldge</li> <li>- Staff knowledge</li> <li>- Adaptability</li> <li>- Professional Diversity of Board</li> <li>- Modernization of Accessability</li> </ul>	<p><b>WEAKNESSES:</b></p> <ul style="list-style-type: none"> <li>- Inability to grow the industry</li> <li>- Efficiency loss due to database</li> <li>- Size of agency staff</li> <li>- Regulatory and statutory regulations</li> </ul>	<p><b>OPPORTUNITIES:</b></p> <ul style="list-style-type: none"> <li>- Growth in appraiser field</li> <li>- Continually evaluate how the Board and Agency operate</li> </ul>	<p><b>THREATS:</b></p> <ul style="list-style-type: none"> <li>- Agency turnover</li> <li>- Federal agency oversight</li> <li>- State economic climate</li> <li>- Aging appraiser population</li> <li>- Inadequate supervisory appraiser knowledge</li> </ul>
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STATE OF NEBRASKA  
Department of Administrative Services  
Accounting Division  
Budget Status Report  
As of 11/30/22

Agency 053 REAL PROPERTY APPRAISER BD  
Division 000 Real Property App Bd  
Program 079 APPRAISER LICENSING

Percent of Time Elapsed = 41.92

ACCOUNT CODE DESCRIPTION	BUDGETED AMOUNT	CURRENT MONTH ACTIVITY	YEAR-TO-DATE ACTUALS	PERCENT OF BUDGET	ENCUMBERANCES	VARIANCE
<b>BUDGETED FUND TYPES - EXPENDITURES</b>						
<b>510000 PERSONAL SERVICES</b>						
511100 PERMANENT SALARIES-WAGES	150,067.69	16,788.25	60,960.18	40.62		89,107.51
511300 OVERTIME PAYMENTS	1,633.48	1,003.01	1,003.01	61.40		630.47
511600 PER DIEM PAYMENTS	9,100.00	1,000.00	2,200.00	24.18		6,900.00
511700 EMPLOYEE BONUSES	1,000.00					1,000.00
511800 COMP TIME PAYMENT	1,633.48		379.28	23.22		1,254.20
512100 VACATION LEAVE EXPENSE	12,763.62	942.46	6,078.65	47.62		6,684.97
512200 SICK LEAVE EXPENSE	824.88	123.63	829.06	100.51		4.18-
512300 HOLIDAY LEAVE EXPENSE	7,918.85	1,319.82	3,276.84	41.38		4,642.01
512500 FUNERAL LEAVE EXPENSE		622.91	851.55			851.55-
<b>Personal Services Subtotal</b>	<b>184,942.00</b>	<b>21,800.08</b>	<b>75,578.57</b>	<b>40.87</b>	<b>0.00</b>	<b>109,363.43</b>
515100 RETIREMENT PLANS EXPENSE	13,188.15	1,557.50	5,494.55	41.66		7,693.60
515200 FICA EXPENSE	14,148.06	1,565.67	5,299.55	37.46		8,848.51
515500 HEALTH INSURANCE EXPENSE	32,903.00	3,332.44	15,481.12	47.05		17,421.88
516300 EMPLOYEE ASSISTANCE PRO	37.08		37.08	100.00		
516500 WORKERS COMP PREMIUMS	1,528.00		1,528.00	100.00		
<b>Major Account 510000 Total</b>	<b>246,746.29</b>	<b>28,255.69</b>	<b>103,418.87</b>	<b>41.91</b>	<b>0.00</b>	<b>143,327.42</b>
<b>520000 OPERATING EXPENSES</b>						
521100 POSTAGE EXPENSE	2,500.00	103.69	1,276.45	51.06		1,223.55
521300 FREIGHT	100.00					100.00
521400 DATA PROCESSING EXPENSE	80,262.00	13,921.00	36,281.32	45.20		43,980.68
521500 PUBLICATION & PRINT EXPENSE	3,000.00	631.30	3,162.66	105.42		162.66-
521900 AWARDS EXPENSE	100.00					100.00
522100 DUES & SUBSCRIPTION EXPENSE	600.00					600.00
522200 CONFERENCE REGISTRATION	1,100.00		550.00	50.00		550.00
524600 RENT EXPENSE-BUILDINGS	11,687.30	939.94	4,871.06	41.68		6,816.24
524900 RENT EXP-DUPR SURCHARGE	3,859.00	321.59	1,607.95	41.67		2,251.05
527100 REP & MAINT-OFFICE EQUIP	500.00					500.00
531100 OFFICE SUPPLIES EXPENSE	2,000.00	160.72	310.73	15.54		1,689.27
532100 NON CAPITALIZED EQUIP PU	500.00					500.00
532260 VOICE EQUIP			35.98			35.98-
533100 HOUSEHOLD & INSTIT EXP	235.00		68.00	28.94		167.00

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ACCOUNT CODE DESCRIPTION		BUDGETED AMOUNT	CURRENT MONTH ACTIVITY	YEAR-TO-DATE ACTUALS	PERCENT OF BUDGET	ENCUMBERANCES	VARIANCE
534900	MISCELLANEOUS SUPPLIES EXPENSE	50.00					50.00
541100	ACCTG & AUDITING SERVICES	1,037.00		1,037.00	100.00		
541200	PURCHASING ASSESSMENT	90.00		83.00	92.22		7.00
541500	LEGAL SERVICES EXPENSE	35,000.00					35,000.00
541700	LEGAL RELATED EXPENSE	7,000.00					7,000.00
542100	SOS TEMP SERV-PERSONNEL	7,830.00					7,830.00
547100	EDUCATIONAL SERVICES	1,500.00					1,500.00
554900	OTHER CONTRACTUAL SERVICE	41,000.00	1,194.91	9,653.41	23.54		31,346.59
556100	INSURANCE EXPENSE	47.00	22.39	48.34	102.85		1.34-
559100	OTHER OPERATING EXP	14,880.07					14,880.07
<b>Major Account 520000 Total</b>		<b>214,877.37</b>	<b>17,295.54</b>	<b>58,985.90</b>	<b>27.45</b>	<b>0.00</b>	<b>155,891.47</b>
<b>570000 TRAVEL EXPENSES</b>							
571100	BOARD & LODGING	4,650.00	1,529.44	2,201.44	47.34		2,448.56
571600	MEALS-NOT TRAVEL STATUS	100.00					100.00
571800	TAXABLE TRAVEL EXPENSES	2,010.00	302.08	653.18	32.50		1,356.82
572100	COMMERCIAL TRANSPORTATION	1,950.00					1,950.00
573100	STATE-OWNED TRANSPORT	200.00					200.00
574500	PERSONAL VEHICLE MILEAGE	8,797.64	1,321.28	3,125.74	35.53		5,671.90
575100	MISC TRAVEL EXPENSES	1,030.00	26.25	110.90	10.77		919.10
<b>Major Account 570000 Total</b>		<b>18,737.64</b>	<b>3,179.05</b>	<b>6,091.26</b>	<b>32.51</b>	<b>0.00</b>	<b>12,646.38</b>
<b>BUDGETED EXPENDITURES TOTAL</b>		<b>480,361.30</b>	<b>48,730.28</b>	<b>168,496.03</b>	<b>35.08</b>	<b>0.00</b>	<b>311,865.27</b>
<b>SUMMARY BY FUND TYPE - EXPENDITURES</b>							
2	CASH FUNDS	480,361.30	48,730.28	168,496.03	35.08		311,865.27
<b>BUDGETED EXPENDITURES TOTAL</b>		<b>480,361.30</b>	<b>48,730.28</b>	<b>168,496.03</b>	<b>35.08</b>	<b>0.00</b>	<b>311,865.27</b>

**BUDGETED FUND TYPES - REVENUES**

**470000 REVENUE - SALES AND CHARGES**

471100	SALE OF SERVICES	400.00		175.00-	43.75-		575.00
471120	QUALIFYING ED COURSE FEES	750.00		1,200.00-	160.00-		1,950.00
471121	CONTINUING ED NEW FEES	1,250.00	50.00-	1,275.00-	102.00-		2,525.00
471122	CONTINUING ED RENEWAL FEES	150.00		90.00-	60.00-		240.00



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Agency 053 REAL PROPERTY APPRAISER BD  
Division 000 Real Property App Bd  
Program 079 APPRAISER LICENSING

Percent of Time Elapsed = 41.92

	BUDGETED	CURRENT MONTH	YEAR-TO-DATE	PERCENT OF		
ACCOUNT CODE DESCRIPTION	AMOUNT	ACTIVITY	ACTUALS	BUDGET	ENCUMBERANCES	VARIANCE
475150 CERTIFIED GENERAL NEW FEES	9,000.00	300.00-	2,400.00-	26.67-		11,400.00
475151 LICENSED NEW FEES	1,200.00		300.00-	25.00-		1,500.00
475152 FINGERPRINT FEES	3,077.00	226.25-	1,176.50-	38.24-		4,253.50
475153 CERTIFIED RESIDENTIAL NEW	3,000.00		1,800.00-	60.00-		4,800.00
475154 CERTIFIED GENERAL RENEWAL	122,375.00	46,200.00-	83,325.00-	68.09-		205,700.00
475155 LICENSED RENEWAL	15,950.00	5,775.00-	8,800.00-	55.17-		24,750.00
475156 FINGERPRINT AUDIT PROGRAM FEES	3,960.00	1,590.00-	2,655.00-	67.05-		6,615.00
475157 CERTIFIED RESIDENTIAL RENEWAL	64,625.00	29,975.00-	46,750.00-	72.34-		111,375.00
475161 TEMPORARY CERTIFIED GENERAL	9,000.00	650.00-	3,450.00-	38.33-		12,450.00
475163 AMC REGISTERED NEW FEES	12,000.00					12,000.00
475164 AMC APPLICATION FEES	2,100.00					2,100.00
475165 AMC REGISTERED RENEWAL	129,000.00	31,500.00-	58,500.00-	45.35-		187,500.00
475167 CERTIFIED RESIDENTIAL INACTIVE	300.00					300.00
475168 CERTIFIED GENERAL INACTIVE	300.00					300.00
475234 APPLICATION FEES	28,200.00	2,050.00-	10,800.00-	38.30-		39,000.00
476101 LATE PROCESSING FEES	4,500.00		225.00-	5.00-		4,725.00
<b>Major Account 470000 Total</b>	<b>411,137.00</b>	<b>118,316.25-</b>	<b>222,921.50-</b>	<b>54.22-</b>	<b>0.00</b>	<b>634,058.50</b>
<b>480000 REVENUE - MISCELLANEOUS</b>						
481100 INVESTMENT INCOME	6,000.00	1,211.48-	5,433.20-	90.55-		11,433.20
481101 AMC INVESTMENT INCOME	5,000.00					5,000.00
484500 REIMB NON-GOVT SOURCES	2,500.00		27.39-	1.10-		2,527.39
<b>Major Account 480000 Total</b>	<b>13,500.00</b>	<b>1,211.48-</b>	<b>5,460.59-</b>	<b>40.45-</b>	<b>0.00</b>	<b>18,960.59</b>
<b>BUDGETED REVENUE TOTAL</b>	<b>424,637.00</b>	<b>119,527.73-</b>	<b>228,382.09-</b>	<b>53.78-</b>	<b>0.00</b>	<b>653,019.09</b>
<b>SUMMARY BY FUND TYPE - REVENUE</b>						
2 CASH FUNDS	424,637.00	119,527.73-	228,382.09-	53.78-		653,019.09
<b>BUDGETED REVENUE TOTAL</b>	<b>424,637.00</b>	<b>119,527.73-</b>	<b>228,382.09-</b>	<b>53.78-</b>	<b>0.00</b>	<b>653,019.09</b>

Fund	Program	Sub-Program	Account Number	Sub-ledger	Doc Number	Tran Date	Tran Type	Batch Type	Payee/Explanation	Batch Number	Posted Code	Month to Date
25310	079	000	53105018.471121.		475942	11/23/22	RC	RB	NRPAB DEPOSIT 221123	6913879		50.00-
Total for Object			471121 CONTINUING ED NEW FEES									50.00-
25310	079	000	53105018.475150.		475277	11/18/22	RC	RB	NRPAB DEPOSIT 221118	6909058		300.00-
Total for Object			475150 CERTIFIED GENERAL NEW FEES									300.00-
25310	079	000	53105018.475152.		472592	11/01/22	RC	RB	NRPAB DEPOSIT 221101	6886346		45.25-
25310	079	000	53105018.475152.		474502	11/16/22	RC	RB	NRPAB DEPOSIT 221116	6905191		45.25-
25310	079	000	53105018.475152.		475705	11/21/22	RC	RB	NRPAB DEPOSIT 221121	6910545		45.25-
25310	079	000	53105018.475152.		476177	11/28/22	RC	RB	NRPAB DEPOSIT 221128	6916702		45.25-
25310	079	000	53105018.475152.		476726	11/30/22	RC	RB	NRPAB DEPOSIT 221130	6920368		45.25-
Total for Object			475152 FINGERPRINT FEES									226.25-
25310	079	000	53105018.475154.		472640	11/01/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221101	6885469		550.00-
25310	079	000	53105018.475154.		472598	11/01/22	RC	RB	NRPAB RENEWALS DEPOSIT 221101	6886365		275.00-
25310	079	000	53105018.475154.		472842	11/01/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221101	6887026		275.00-
25310	079	000	53105018.475154.		473036	11/02/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221102	6889159		1,375.00-
25310	079	000	53105018.475154.		472963	11/03/22	RC	RB	NRPAB DEPOSIT 221103	6889706		550.00-
25310	079	000	53105018.475154.		473290	11/03/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221103	6890736		825.00-
25310	079	000	53105018.475154.		473223	11/04/22	RC	RB	NRPAB RENEWALS DEPOSIT 221104	6891225		275.00-
25310	079	000	53105018.475154.		473579	11/07/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221107	6893864		3,025.00-
25310	079	000	53105018.475154.		473849	11/08/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221108	6895494		550.00-
25310	079	000	53105018.475154.		473745	11/09/22	RC	RB	NRPAB RENEWALS DEPOSIT 221109	6896324		1,650.00-
25310	079	000	53105018.475154.		474096	11/09/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221109	6897552		550.00-
25310	079	000	53105018.475154.		473958	11/10/22	RC	RB	NRPAB DEPOSIT 221110	6899705		825.00-
25310	079	000	53105018.475154.		474153	11/10/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221110	6900475		275.00-
25310	079	000	53105018.475154.		474137	11/14/22	RC	RB	NRPAB RENEWALS DEPOSIT 221114	6900995		275.00-
25310	079	000	53105018.475154.		474335	11/14/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221014	6902211		2,750.00-
25310	079	000	53105018.475154.		474467	11/15/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221115	6904894		550.00-
25310	079	000	53105018.475154.		474501	11/16/22	RC	RB	NRPAB RENEWALS DEPOSIT 221116	6905197		1,100.00-
25310	079	000	53105018.475154.		474737	11/16/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221116	6906284		550.00-
25310	079	000	53105018.475154.		474670	11/17/22	RC	RB	NRPAB RENEWALS DEPOSIT 221117	6907108		1,100.00-
25310	079	000	53105018.475154.		475345	11/17/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221117	6907950		2,750.00-
25310	079	000	53105018.475154.		475279	11/18/22	RC	RB	NRPAB RENEWALS DEPOSIT 221118	6909070		1,100.00-
25310	079	000	53105018.475154.		475639	11/18/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221118	6909729		2,750.00-
25310	079	000	53105018.475154.		475815	11/21/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221121	6911179		3,300.00-
25310	079	000	53105018.475154.		475952	11/22/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221122	6913762		2,750.00-
25310	079	000	53105018.475154.		475941	11/23/22	RC	RB	NRPAB RENEWALS DEPOSIT 221123	6913889		1,650.00-
25310	079	000	53105018.475154.		476278	11/23/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221123	6915810		1,750.00-

Fund	Program	Sub-Program	Account Number	Sub-ledger	Doc Number	Tran Date	Tran Type	Batch Type	Payee/Explanation	Batch Number	Posted Code	Month to Date
25310	079	000	53105018.475154.		476176	11/28/22	RC	RB	NRPAB RENEWALS DEPOSIT 221128	6916720		2,200.00-
25310	079	000	53105018.475154.		476387	11/28/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221128	6917456		1,925.00-
25310	079	000	53105018.475154.		476904	11/29/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221129	6919436		5,775.00-
25310	079	000	53105018.475154.		476727	11/30/22	RC	RB	NRPAB RENEWALS DEPOSIT 221130	6920376		3,300.00-
Total for Object			475154 CERTIFIED GENERAL RENEWAL									46,200.00-
25310	079	000	53105018.475155.		473036	11/02/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221102	6889159		825.00-
25310	079	000	53105018.475155.		473290	11/03/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221103	6890736		275.00-
25310	079	000	53105018.475155.		474153	11/10/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221110	6900475		275.00-
25310	079	000	53105018.475155.		474335	11/14/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221014	6902211		1,100.00-
25310	079	000	53105018.475155.		474501	11/16/22	RC	RB	NRPAB RENEWALS DEPOSIT 221116	6905197		275.00-
25310	079	000	53105018.475155.		475279	11/18/22	RC	RB	NRPAB RENEWALS DEPOSIT 221118	6909070		550.00-
25310	079	000	53105018.475155.		475639	11/18/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221118	6909729		275.00-
25310	079	000	53105018.475155.		475941	11/23/22	RC	RB	NRPAB RENEWALS DEPOSIT 221123	6913889		825.00-
25310	079	000	53105018.475155.		476278	11/23/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221123	6915810		275.00-
25310	079	000	53105018.475155.		476904	11/29/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221129	6919436		550.00-
25310	079	000	53105018.475155.		476727	11/30/22	RC	RB	NRPAB RENEWALS DEPOSIT 221130	6920376		550.00-
Total for Object			475155 LICENSED RENEWAL									5,775.00-
25310	079	000	53105018.475156.		472640	11/01/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221101	6885469		20.00-
25310	079	000	53105018.475156.		472598	11/01/22	RC	RB	NRPAB RENEWALS DEPOSIT 221101	6886365		15.00-
25310	079	000	53105018.475156.		472842	11/01/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221101	6887026		35.00-
25310	079	000	53105018.475156.		473036	11/02/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221102	6889159		70.00-
25310	079	000	53105018.475156.		472963	11/03/22	RC	RB	NRPAB DEPOSIT 221103	6889706		25.00-
25310	079	000	53105018.475156.		473290	11/03/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221103	6890736		35.00-
25310	079	000	53105018.475156.		473223	11/04/22	RC	RB	NRPAB RENEWALS DEPOSIT 221104	6891225		5.00-
25310	079	000	53105018.475156.		473579	11/07/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221107	6893864		75.00-
25310	079	000	53105018.475156.		473849	11/08/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221108	6895494		20.00-
25310	079	000	53105018.475156.		473745	11/09/22	RC	RB	NRPAB RENEWALS DEPOSIT 221109	6896324		50.00-
25310	079	000	53105018.475156.		474096	11/09/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221109	6897552		20.00-
25310	079	000	53105018.475156.		473958	11/10/22	RC	RB	NRPAB DEPOSIT 221110	6899705		15.00-
25310	079	000	53105018.475156.		474153	11/10/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221110	6900475		35.00-
25310	079	000	53105018.475156.		474137	11/14/22	RC	RB	NRPAB RENEWALS DEPOSIT 221114	6900995		5.00-
25310	079	000	53105018.475156.		474335	11/14/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221014	6902211		75.00-
25310	079	000	53105018.475156.		474467	11/15/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221115	6904894		10.00-
25310	079	000	53105018.475156.		474501	11/16/22	RC	RB	NRPAB RENEWALS DEPOSIT 221116	6905197		40.00-
25310	079	000	53105018.475156.		474737	11/16/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221116	6906284		50.00-
25310	079	000	53105018.475156.		474670	11/17/22	RC	RB	NRPAB RENEWALS DEPOSIT 221117	6907108		35.00-
25310	079	000	53105018.475156.		475345	11/17/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221117	6907950		50.00-

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25310	079	000	53105018.475156.		475279	11/18/22	RC	RB	NRPAB RENEWALS DEPOSIT 221118	6909070		60.00-	
25310	079	000	53105018.475156.		475639	11/18/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221118	6909729		90.00-	
25310	079	000	53105018.475156.		475705	11/21/22	RC	RB	NRPAB DEPOSIT 221121	6910545		5.00-	
25310	079	000	53105018.475156.		475815	11/21/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221121	6911179		85.00-	
25310	079	000	53105018.475156.		475952	11/22/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221122	6913762		110.00-	
25310	079	000	53105018.475156.		475941	11/23/22	RC	RB	NRPAB RENEWALS DEPOSIT 221123	6913889		60.00-	
25310	079	000	53105018.475156.		476278	11/23/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221123	6915810		60.00-	
25310	079	000	53105018.475156.		476176	11/28/22	RC	RB	NRPAB RENEWALS DEPOSIT 221128	6916720		60.00-	
25310	079	000	53105018.475156.		476387	11/28/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221128	6917456		60.00-	
25310	079	000	53105018.475156.		476904	11/29/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221129	6919436		190.00-	
25310	079	000	53105018.475156.		476727	11/30/22	RC	RB	NRPAB RENEWALS DEPOSIT 221130	6920376		125.00-	
Total for Object			475156	FINGERPRINT AUDIT PROGRAM FEES									1,590.00-
25310	079	000	53105018.475157.		472598	11/01/22	RC	RB	NRPAB RENEWALS DEPOSIT 221101	6886365		550.00-	
25310	079	000	53105018.475157.		472842	11/01/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221101	6887026		1,650.00-	
25310	079	000	53105018.475157.		473036	11/02/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221102	6889159		1,650.00-	
25310	079	000	53105018.475157.		472963	11/03/22	RC	RB	NRPAB DEPOSIT 221103	6889706		825.00-	
25310	079	000	53105018.475157.		473290	11/03/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221103	6890736		825.00-	
25310	079	000	53105018.475157.		473579	11/07/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221107	6893864		1,100.00-	
25310	079	000	53105018.475157.		473849	11/08/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221108	6895494		550.00-	
25310	079	000	53105018.475157.		473745	11/09/22	RC	RB	NRPAB RENEWALS DEPOSIT 221109	6896324		1,100.00-	
25310	079	000	53105018.475157.		474153	11/10/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221110	6900475		825.00-	
25310	079	000	53105018.475157.		474335	11/14/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221014	6902211		275.00-	
25310	079	000	53105018.475157.		474501	11/16/22	RC	RB	NRPAB RENEWALS DEPOSIT 221116	6905197		825.00-	
25310	079	000	53105018.475157.		474737	11/16/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221116	6906284		2,200.00-	
25310	079	000	53105018.475157.		474670	11/17/22	RC	RB	NRPAB RENEWALS DEPOSIT 221117	6907108		825.00-	
25310	079	000	53105018.475157.		475279	11/18/22	RC	RB	NRPAB RENEWALS DEPOSIT 221118	6909070		1,650.00-	
25310	079	000	53105018.475157.		475639	11/18/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221118	6909729		1,375.00-	
25310	079	000	53105018.475157.		475705	11/21/22	RC	RB	NRPAB DEPOSIT 221121	6910545		275.00-	
25310	079	000	53105018.475157.		475815	11/21/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221121	6911179		1,375.00-	
25310	079	000	53105018.475157.		475952	11/22/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221122	6913762		2,750.00-	
25310	079	000	53105018.475157.		475941	11/23/22	RC	RB	NRPAB RENEWALS DEPOSIT 221123	6913889		275.00-	
25310	079	000	53105018.475157.		476278	11/23/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221123	6915810		1,650.00-	
25310	079	000	53105018.475157.		476176	11/28/22	RC	RB	NRPAB RENEWALS DEPOSIT 221128	6916720		1,100.00-	
25310	079	000	53105018.475157.		476387	11/28/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221128	6917456		825.00-	
25310	079	000	53105018.475157.		476904	11/29/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221129	6919436		2,475.00-	
25310	079	000	53105018.475157.		476727	11/30/22	RC	RB	NRPAB RENEWALS DEPOSIT 221130	6920376		3,025.00-	
Total for Object			475157	CERTIFIED RESIDENTIAL RENEWAL									29,975.00-

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25310	079	000	53105018.475161.		472592	11/01/22	RC	RB	NRPAB DEPOSIT 221101	6886346		100.00-
25310	079	000	53105018.475161.		472963	11/03/22	RC	RB	NRPAB DEPOSIT 221103	6889706		50.00-
25310	079	000	53105018.475161.		473742	11/09/22	RC	RB	NRPAB DEPOSIT 221109	6896302		100.00-
25310	079	000	53105018.475161.		473958	11/10/22	RC	RB	NRPAB DEPOSIT 221110	6899705		50.00-
25310	079	000	53105018.475161.		474502	11/16/22	RC	RB	NRPAB DEPOSIT 221116	6905191		50.00-
25310	079	000	53105018.475161.		475277	11/18/22	RC	RB	NRPAB DEPOSIT 221118	6909058		50.00-
25310	079	000	53105018.475161.		475942	11/23/22	RC	RB	NRPAB DEPOSIT 221123	6913879		50.00-
25310	079	000	53105018.475161.		476177	11/28/22	RC	RB	NRPAB DEPOSIT 221128	6916702		100.00-
25310	079	000	53105018.475161.		476726	11/30/22	RC	RB	NRPAB DEPOSIT 221130	6920368		100.00-
Total for Object			475161	TEMPORARY CERTIFIED GENERAL								650.00-
25310	079	000	53105018.475234.		472592	11/01/22	RC	RB	NRPAB DEPOSIT 221101	6886346		350.00-
25310	079	000	53105018.475234.		472963	11/03/22	RC	RB	NRPAB DEPOSIT 221103	6889706		100.00-
25310	079	000	53105018.475234.		473742	11/09/22	RC	RB	NRPAB DEPOSIT 221109	6896302		200.00-
25310	079	000	53105018.475234.		473958	11/10/22	RC	RB	NRPAB DEPOSIT 221110	6899705		100.00-
25310	079	000	53105018.475234.		474502	11/16/22	RC	RB	NRPAB DEPOSIT 221116	6905191		250.00-
25310	079	000	53105018.475234.		475277	11/18/22	RC	RB	NRPAB DEPOSIT 221118	6909058		100.00-
25310	079	000	53105018.475234.		475705	11/21/22	RC	RB	NRPAB DEPOSIT 221121	6910545		150.00-
25310	079	000	53105018.475234.		475942	11/23/22	RC	RB	NRPAB DEPOSIT 221123	6913879		100.00-
25310	079	000	53105018.475234.		476177	11/28/22	RC	RB	NRPAB DEPOSIT 221128	6916702		350.00-
25310	079	000	53105018.475234.		476726	11/30/22	RC	RB	NRPAB DEPOSIT 221130	6920368		350.00-
Total for Object			475234	APPLICATION FEES								2,050.00-
25310	079	000	53105018.481100.		19496235	11/21/22	JE	G	OIP October 2022, 2.0010%	6912730		634.73-
Total for Object			481100	INVESTMENT INCOME								634.73-
25310	079	000	53105018.511100.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		3,396.62
25310	079	000	53105018.511100.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		3,804.16
25310	079	000	53105018.511100.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		3,711.80
Total for Object			511100	PERMANENT SALARIES-WAGES								10,912.58
25310	079	000	53105018.511300.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		43.11
25310	079	000	53105018.511300.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		608.78
Total for Object			511300	OVERTIME PAYMENTS								651.89
25310	079	000	53105018.511600.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		325.00
25310	079	000	53105018.511600.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		325.00
Total for Object			511600	PER DIEM PAYMENTS								650.00

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25310	079	000	53105018.512100.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		463.80
25310	079	000	53105018.512100.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		148.62
Total for Object			512100 VACATION LEAVE EXPENSE									612.42
25310	079	000	53105018.512200.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		80.26
Total for Object			512200 SICK LEAVE EXPENSE									80.26
25310	079	000	53105018.512300.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		428.94
25310	079	000	53105018.512300.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		428.94
Total for Object			512300 HOLIDAY LEAVE EXPENSE									857.88
25310	079	000	53105018.512500.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		404.94
Total for Object			512500 FUNERAL LEAVE EXPENSE									404.94
25310	079	000	53105018.515100.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		321.19
25310	079	000	53105018.515100.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		324.43
25310	079	000	53105018.515100.		3169447	11/30/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6913134		366.76
Total for Object			515100 RETIREMENT PLANS EXPENSE									1,012.38
25310	079	000	53105018.515200.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		319.83
25310	079	000	53105018.515200.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		298.28
25310	079	000	53105018.515200.		3169447	11/30/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6913134		399.53
Total for Object			515200 FICA EXPENSE									1,017.64
25310	079	000	53105018.515500.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		1,083.04
25310	079	000	53105018.515500.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		1,082.99
Total for Object			515500 HEALTH INSURANCE EXPENSE									2,166.03
25310	079	000	53105018.521100.		19447980	11/16/22	JE	G	POSTAGE DUE OCT 2022	6906719		103.69
Total for Object			521100 POSTAGE EXPENSE									103.69
25310	079	000	53105018.521400.		50731884	11/01/22	PV	V	AS - OCIO - COMMUNICATIONS	6885709		131.00
25310	079	000	53105018.521400.		50785119	11/10/22	PV	V	AS - OCIO - IMSERVICES	6901552		1,276.20
Total for Object			521400 CIO CHARGES									1,407.20
25310	079	000	53105018.521500.		19150773	11/21/22	JE	G	COPY SERVICES JUL-SEP 2022	6874408		631.30
Total for Object			521500 PUBLICATION & PRINT EXP									631.30
25310	079	000	53105018.524600.		19265902	11/07/22	JE	G	RENT & LB530 NOV 2022- OTHER	6885535		

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25310	079	000	53105018.524600.		19362745	11/08/22	JE	G	NRPAB RENT NOVEMBER 2022	6896941		328.98-
Total for Object			524600 RENT EXPENSE-BUILDINGS									610.96
25310	079	000	53105018.524900.		19265902	11/07/22	JE	G	RENT & LB530 NOV 2022- OTHER	6885535		321.59
25310	079	000	53105018.524900.		19362745	11/08/22	JE	G	NRPAB RENT NOVEMBER 2022	6896941		112.56-
Total for Object			524900 RENT EXP-DEPR SURCHARGE									209.03
25310	079	000	53105018.531100.		19010977	11/07/22	JE	G	OFFICE DEPOT SEP 2022	6861066		160.72
25310	079	000	53105018.531100.		19362748	11/08/22	JE	G	NRPAB ODP BUS SOL 09/2022	6896956		56.25-
Total for Object			531100 OFFICE SUPPLIES EXPENSE									104.47
25310	079	000	53105018.539500.		50753688	11/03/22	PC	V	Purchase Card Offset	6891736		196.00
25310	079	000	53105018.539500.		19311732	11/03/22	J1	G	PURCHASE CARD TRANSACTION	6891842		196.00-
Total for Object			539500 PURCHASING CARD SUSPENSE									
25310	079	000	53105018.554900.		50732272	11/01/22	PV	V	PATROL, NEBRASKA STATE	6886586		362.00
25310	079	000	53105018.554900.		50747896	11/02/22	PV	V	REALCORP	6889798		500.00
25310	079	000	53105018.554900.		50747900	11/02/22	PV	V	DATASHIELD CORPORATION	6889811		16.16
25310	079	000	53105018.554900.		19296545	11/02/22	JE	G	NRPAB DATASHIELD ONSITE SHRED	6889824		5.66-
Total for Object			554900 OTHER CONTRACTUAL SERVICES									872.50
25310	079	000	53105018.556100.		50785133	11/10/22	PV	V	AS - RISK MANAGEMENT DIVISION	6901560		13.25
25310	079	000	53105018.556100.		50785148	11/10/22	PV	V	AS - RISK MANAGEMENT DIVISION	6901568		1.30
Total for Object			556100 INSURANCE EXPENSE									14.55
25310	079	000	53105018.571100.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		866.74
25310	079	000	53105018.571100.		19311732	11/03/22	J1	G	PURCHASE CARD TRANSACTION	6891842		127.40
Total for Object			571100 LODGING									994.14
25310	079	000	53105018.571800.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		115.80
25310	079	000	53105018.571800.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		40.27
25310	079	000	53105018.571800.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		40.27
Total for Object			571800 MEALS - TRAVEL STATUS									196.34
25310	079	000	53105018.574500.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		382.69
25310	079	000	53105018.574500.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		238.07
25310	079	000	53105018.574500.		50732261	11/01/22	PV	V	HERMSEN, KEVIN P	6886568		40.63
25310	079	000	53105018.574500.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		190.94
25310	079	000	53105018.574500.		50768625	11/08/22	PV	V	WALKENHORST, WADE	6896992		6.90

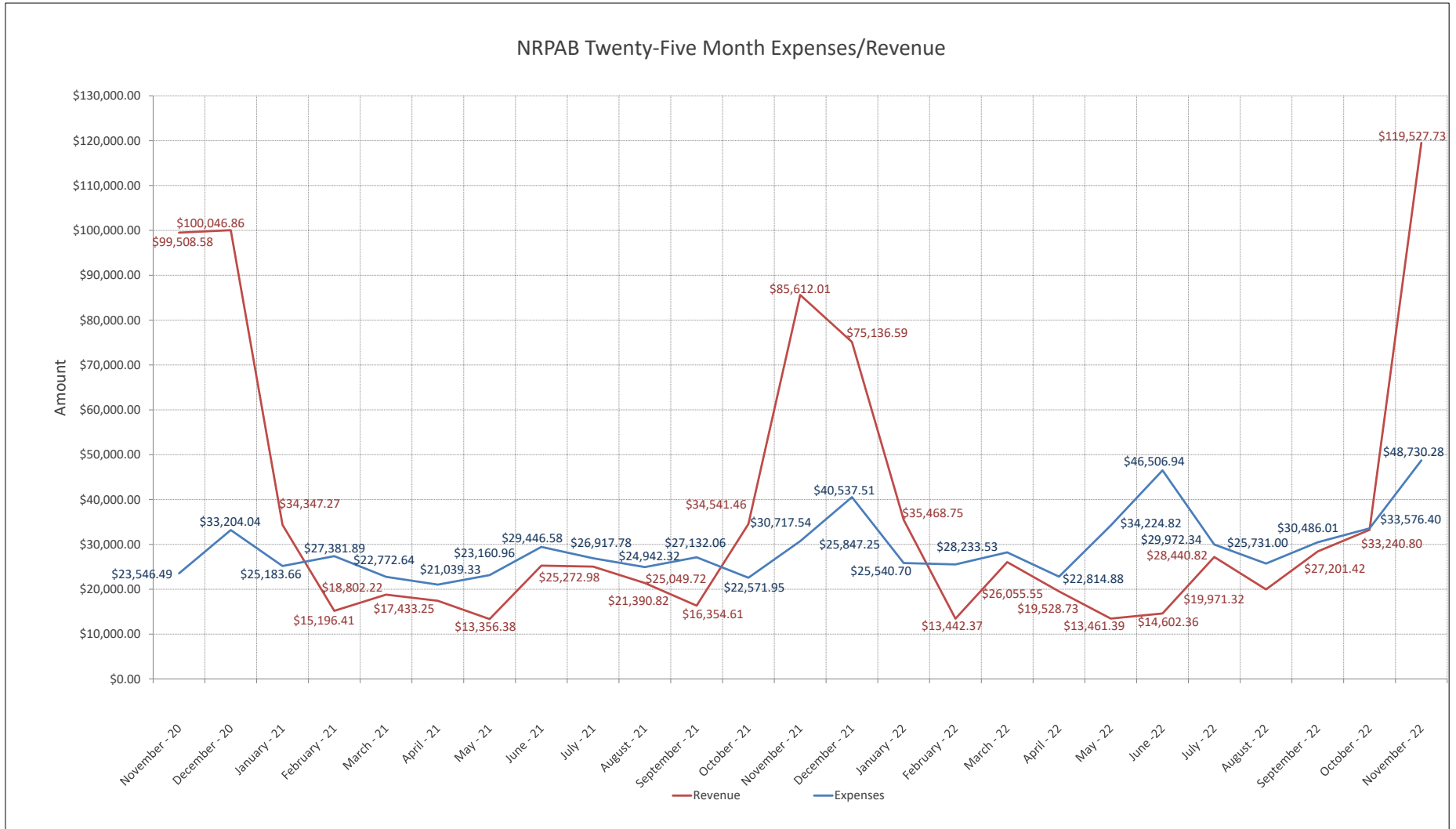
Fund	Program	Sub-Program	Account Number	Sub-ledger	Doc Number	Tran Date	Tran Type	Batch Type	Payee/Explanation	Batch Number	Posted Code	Month to Date
Total for Object			574500	PERSONAL VEHICLE MILEAGE								858.83
25310	079	000	53105018.575100.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		7.31
25310	079	000	53105018.575100.		50732261	11/01/22	PV	V	HERMSEN, KEVIN P	6886568		1.63
25310	079	000	53105018.575100.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		7.31
25310	079	000	53105018.575100.		50768625	11/08/22	PV	V	WALKENHORST, WADE	6896992		.81
Total for Object			575100	MISC TRAVEL EXPENSE								17.06
Total for Business Unit			53105018	NE REAL PROPERTY APPRAISER								63,064.89-
25320	079	000	53105200.475165.		472597	11/01/22	RC	RB	NRPAB AMC DEPOSIT 221101	6886340		3,000.00-
25320	079	000	53105200.475165.		473744	11/09/22	RC	RB	NRPAB AMC DEPOSIT 221109	6896292		4,500.00-
25320	079	000	53105200.475165.		473959	11/10/22	RC	RB	NRPAB AMC DEPOSIT 221110	6899691		6,000.00-
25320	079	000	53105200.475165.		474503	11/16/22	RC	RB	NRPAB AMC DEPOSIT 221116	6905183		4,500.00-
25320	079	000	53105200.475165.		475278	11/18/22	RC	RB	NRPAB RENEW EFW DEPOSIT 221118	6909053		3,000.00-
25320	079	000	53105200.475165.		475704	11/21/22	RC	RB	NRPAB AMC DEPOSIT 221121	6910540		3,000.00-
25320	079	000	53105200.475165.		475943	11/23/22	RC	RB	NRPAB AMC DEPOSIT 221123	6913875		3,000.00-
25320	079	000	53105200.475165.		476725	11/30/22	RC	RB	NRPAB AMC DEPOSIT 221130	6920361		4,500.00-
Total for Object			475165	AMC REGISTERED RENEWAL								31,500.00-
25320	079	000	53105200.481100.		19496235	11/21/22	JE	G	OIP October 2022, 2.0010%	6912730		576.75-
Total for Object			481100	INVESTMENT INCOME								576.75-
25320	079	000	53105200.511100.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		1,828.67
25320	079	000	53105200.511100.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		2,048.33
25320	079	000	53105200.511100.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		1,998.67
Total for Object			511100	PERMANENT SALARIES-WAGES								5,875.67
25320	079	000	53105200.511300.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		23.42
25320	079	000	53105200.511300.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		327.70
Total for Object			511300	OVERTIME PAYMENTS								351.12
25320	079	000	53105200.511600.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		175.00
25320	079	000	53105200.511600.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		175.00
Total for Object			511600	PER DIEM PAYMENTS								350.00
25320	079	000	53105200.512100.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		250.02
25320	079	000	53105200.512100.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		80.02
Total for Object			512100	VACATION LEAVE EXPENSE								330.04



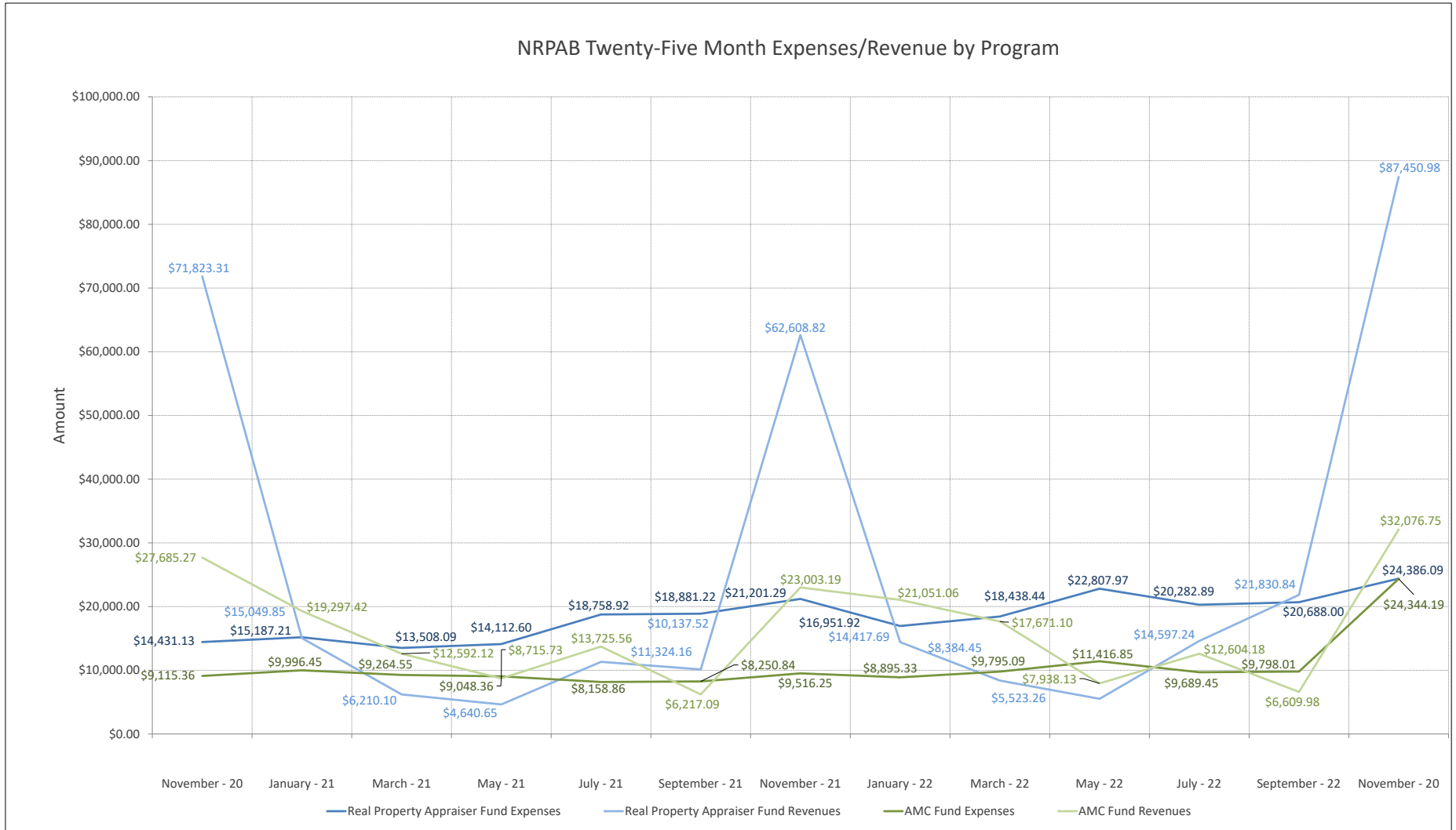
Fund	Program	Sub-Program	Account Number	Sub-ledger	Doc Number	Tran Date	Tran Type	Batch Type	Payee/Explanation	Batch Number	Posted Code	Month to Date
25320	079	000	53105200.512200.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		43.37
Total for Object												43.37
25320	079	000	53105200.512300.		3168842	11/02/22	T2	7	PAYROLL LABOR DISTRIBUTION	6882297		230.97
25320	079	000	53105200.512300.		3169446	11/30/22	T2	7	PAYROLL LABOR DISTRIBUTION	6913134		230.97
Total for Object												461.94
25320	079	000	53105200.512500.		3169088	11/16/22	T2	7	PAYROLL LABOR DISTRIBUTION	6897041		217.97
Total for Object												217.97
25320	079	000	53105200.515100.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		172.94
25320	079	000	53105200.515100.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		174.69
25320	079	000	53105200.515100.		3169447	11/30/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6913134		197.49
Total for Object												545.12
25320	079	000	53105200.515200.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		172.24
25320	079	000	53105200.515200.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		160.62
25320	079	000	53105200.515200.		3169447	11/30/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6913134		215.17
Total for Object												548.03
25320	079	000	53105200.515500.		3168843	11/02/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6882297		583.18
25320	079	000	53105200.515500.		3169089	11/16/22	T3	7	ACTUAL BURDEN JOURNAL ENTRIES	6897041		583.23
Total for Object												1,166.41
25320	079	000	53105200.521400.		50731884	11/01/22	PV	V	AS - OCIO - COMMUNICATIONS	6885709		70.54
25320	079	000	53105200.521400.		50785119	11/10/22	PV	V	AS - OCIO - IMSERVICES	6901552		12,443.26
Total for Object												12,513.80
25320	079	000	53105200.524600.		19362745	11/08/22	JE	G	NRPAB RENT NOVEMBER 2022	6896941		328.98
Total for Object												328.98
25320	079	000	53105200.524900.		19362745	11/08/22	JE	G	NRPAB RENT NOVEMBER 2022	6896941		112.56
Total for Object												112.56
25320	079	000	53105200.531100.		19362748	11/08/22	JE	G	NRPAB ODP BUS SOL 09/2022	6896956		56.25
Total for Object												56.25
25320	079	000	53105200.554900.		50732272	11/01/22	PV	V	PATROL, NEBRASKA STATE	6886586		

Fund	Program	Sub-Program	Account Number	Sub-ledger	Doc Number	Tran Date	Tran Type	Batch Type	Payee/Explanation	Batch Number	Posted Code	Month to Date
25320	079	000	53105200.554900.		19296545	11/02/22	JE	G	NRPAB DATASHIELD ONSITE SHRED	6889824		5.66
Total for Object			554900 OTHER CONTRACTUAL SERVICES									322.41
25320	079	000	53105200.556100.		50785133	11/10/22	PV	V	AS - RISK MANAGEMENT DIVISION	6901560		7.14
25320	079	000	53105200.556100.		50785148	11/10/22	PV	V	AS - RISK MANAGEMENT DIVISION	6901568		.70
Total for Object			556100 INSURANCE EXPENSE									7.84
25320	079	000	53105200.571100.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		466.70
25320	079	000	53105200.571100.		19311732	11/03/22	J1	G	PURCHASE CARD TRANSACTION	6891842		68.60
Total for Object			571100 LODGING									535.30
25320	079	000	53105200.571800.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		62.36
25320	079	000	53105200.571800.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		21.69
25320	079	000	53105200.571800.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		21.69
Total for Object			571800 MEALS - TRAVEL STATUS									105.74
25320	079	000	53105200.574500.		50731894	11/01/22	PV	V	KOHTZ, TYLER N	6885727		206.07
25320	079	000	53105200.574500.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		128.19
25320	079	000	53105200.574500.		50732261	11/01/22	PV	V	HERMSEN, KEVIN P	6886568		21.87
25320	079	000	53105200.574500.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		102.82
25320	079	000	53105200.574500.		50768625	11/08/22	PV	V	WALKENHORST, WADE	6896992		3.50
Total for Object			574500 PERSONAL VEHICLE MILEAGE									462.45
25320	079	000	53105200.575100.		50732260	11/01/22	PV	V	LUHRS, THOMAS M	6886555		3.94
25320	079	000	53105200.575100.		50732261	11/01/22	PV	V	HERMSEN, KEVIN P	6886568		.87
25320	079	000	53105200.575100.		50732267	11/01/22	PV	V	DOWNING, BONNIE M	6886578		3.94
25320	079	000	53105200.575100.		50768625	11/08/22	PV	V	WALKENHORST, WADE	6896992		.44
Total for Object			575100 MISC TRAVEL EXPENSE									9.19
Total for Business Unit		53105200	AMC LICENSING									7,732.56-
Total for Division		000										70,797.45-
Total for Agency		053	REAL PROPERTY APPRAISER BD									70,797.45-

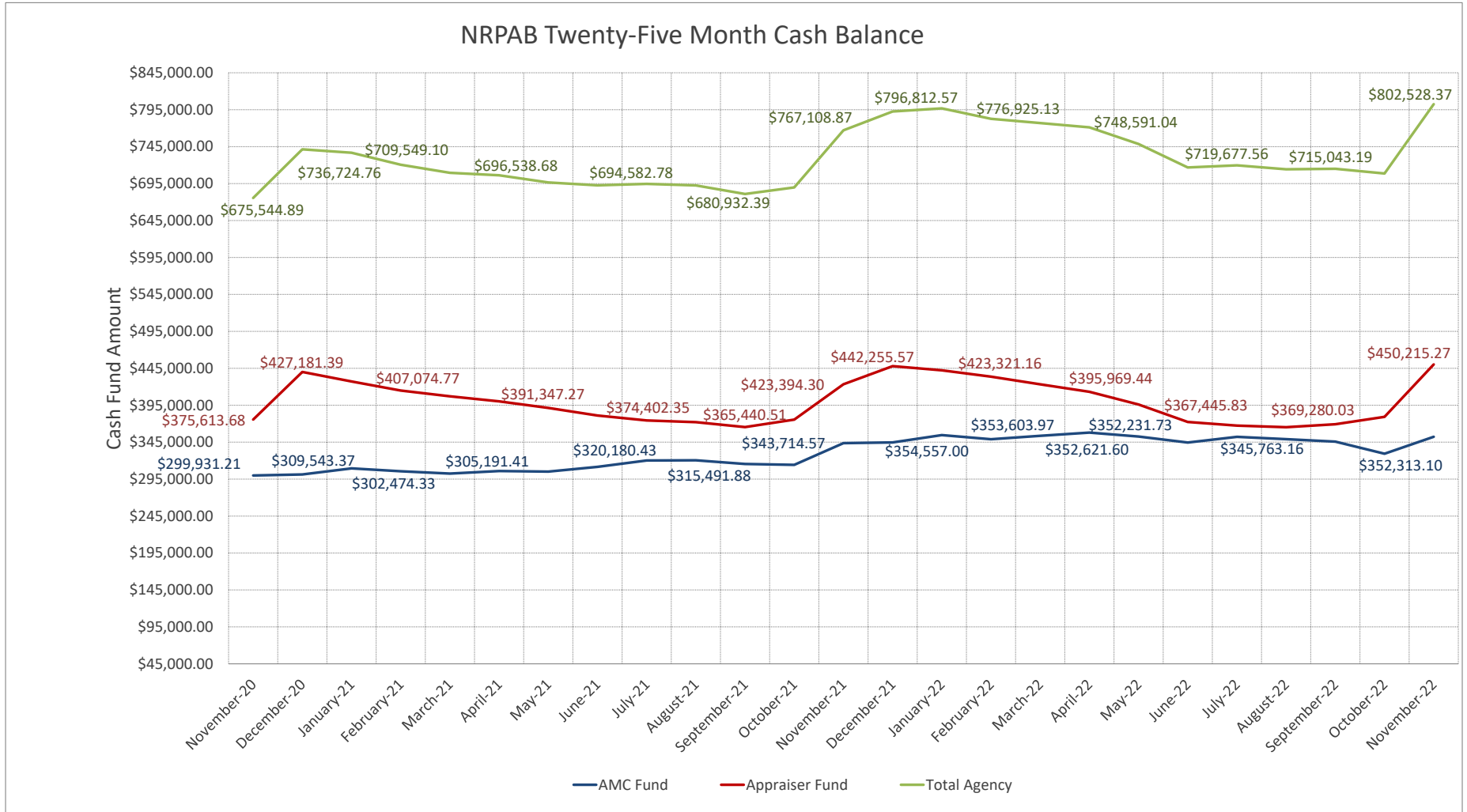
# Financial Report and Considerations - Financial Charts



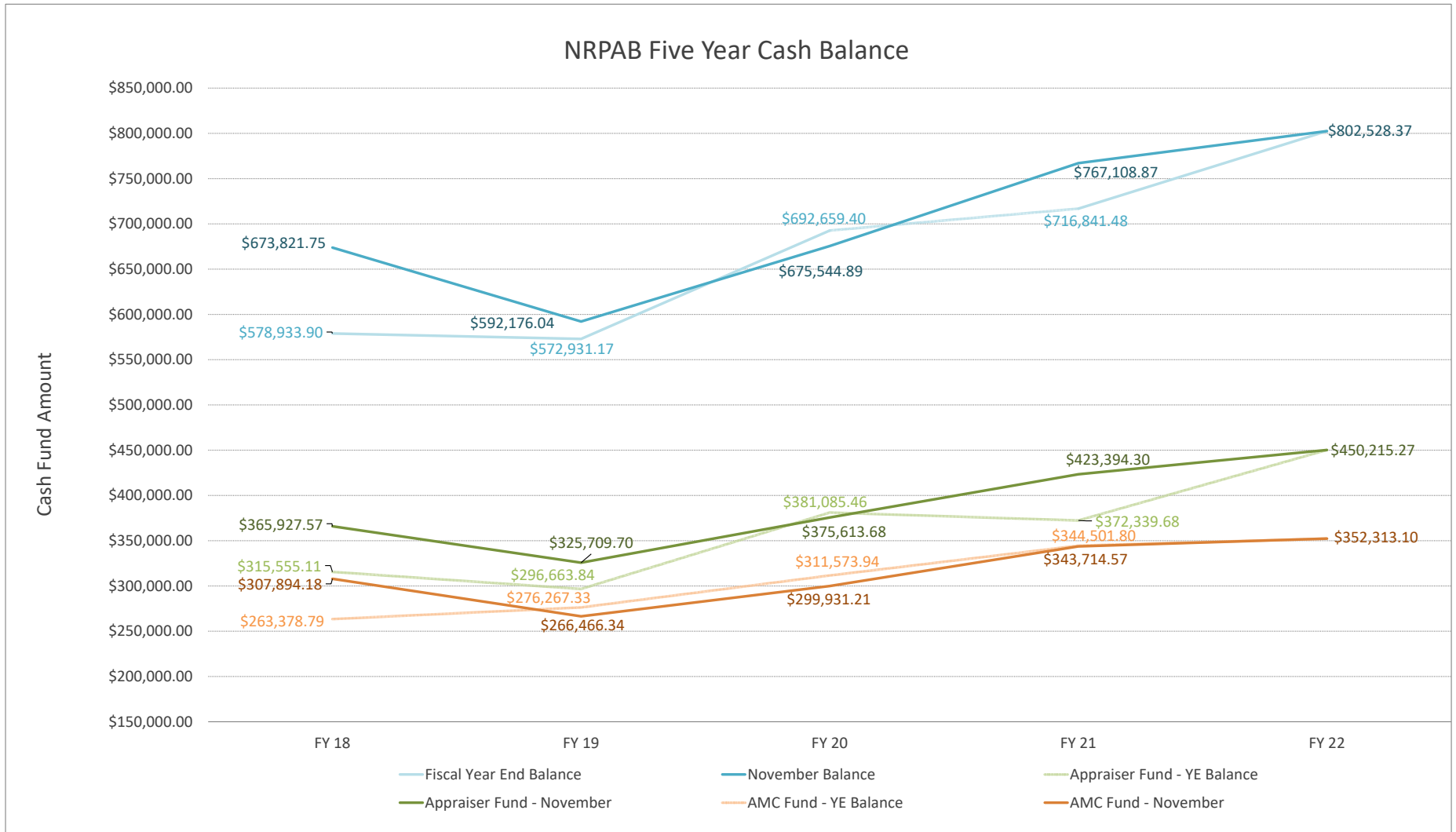
# Financial Report and Considerations - Financial Charts



# Financial Report and Considerations - Financial Charts



# Financial Report and Considerations - Financial Charts



**NEBRASKA REAL PROPERTY APPRAISER BOARD**

**EDUCATION**

**TABLE OF CONTENTS**

December 15, 2022

**NEW CONTINUING EDUCATION ACTIVITIES**

1- Appraising Ag Facilities: Feedlot Seminar

ASFMRA

222140L.01 – 8 CE

Brian Gatzke

Stacey Meneses

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2- Appraising Ag Facilities: Feedlot Seminar

ASFMRA

222340M.01 – 8 CE

Brian Gatzke

Stacey Meneses

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# Memo

**To:** Nebraska Real Property Appraiser Board  
**From:** Katja Peppe, Business and Education Program Manager  
**CC:**  
**Date:** 12/9/2022  
**Re:** ASFMRA Applications for CE Approval for “Appraising Ag Facilities: Feedlot Seminar”

---

Two applications for CE approval for the ASFMRA activity titled, “Appraising Ag Facilities: Feedlot Seminar,” one for in-class and one for synchronous presentation, were received on November 21, 2022. Both applications list the activity length as 8 hours. As required by the application, ASFMRA submitted a timed outline that accounts for the general flow and recommended time spent on topics contained within the activity and reflects hours of credit per topic. The outline indicates that the activity includes 450 minutes, or 7.5 hours, of instruction. According to NAC Title 298, Chapter 6, Section 003.01F, “Fifty minutes engaged in instruction equals one hour for a continuing education activity.” In addition, the AQB Real Property Appraiser Qualifications Criteria states, “A class hour is defined as 60 minutes, of which at least 50 minutes are instruction attended by the student.” Using this measure, 450 minutes of instruction is equal to 540 minutes of class time, or 9 class hours. According to NAC Title 298, Chapter 6, Section 003.01D, “Each continuing education activity shall be at least two hours in length, not to exceed eight hours per day. At least a one-half hour break shall be given to credential holder(s) by no later than the end of four hours of class in any day.” The AQB Course Approval Program Policies and Procedures state that course owner policies must include, “Course scheduling that provides for a maximum of eight (8) classroom hours of instruction in any given day and for appropriate breaks during each class session.”

ASFMRA was made aware of staff’s assessment of the number of class hours in a December 8, 2022 email. In response, ASFMRA’s Deanna Ilk, stated, “The class is an 8 hour offering. The timed outline was done on 60 minutes.”



30 + 60 + 60 + 30 + 30 + 60 + 60 + 60 + 60 = 450 minutes

50/60 = 450/540 minutes

540 minutes = 9 hours

<b>Course Timeline: 8 Hours Continuing Education</b>		
<b>Timed Outline</b>		<b>LEARNING OBJECTIVES</b>
		<i>The student will be able to:</i>
30 minutes	Course Overview and Introduction	Identify the knowledge and awareness necessary for appraising feedlot facilities.
60 minutes	Feedlot Facilities: Facility types, trends and operations.	Identify typical operations and management tendencies, understand different categories of feedlots.
60 minutes	Feedlot Facilities: Design, Similarities and Differences	Recognize possible variations in the set-up of various feedlots, and understand the “why” behind it. Identify common ancillary structures found on operations and determine necessity of such structures.
30 minutes	Feedlot Facilities: Regulations, Legal Constraints, Permitting	Understand basic knowledge of federal and state regulations applicable to facilities, identify resources for obtaining such information.
30 minutes	Units of Comparison and Capacity Analysis	Determine elements of consideration for determining capacity of facilities and how to apply a consistent methodology for subject and sale analysis.
60 minutes	The Appraisal Process: Data Collection, Market and Property Data, Physical Inspections	Clearly identify the appraisal problem, understand proper data collection and analysis, identify tools available for aiding in understanding the subject and sale properties and their respective components.
60 minutes	Highest and Best Use, Analyzing Sale Data, Approaches to Value	Identify HBU considerations specific to feedlot facilities, detect applicability of approaches and the considerations within each approach.
60 minutes	Introduction to Case Study and Development of Approaches	Properly analyze a subject facility and comparable sales using a real-life example and hands on walk-through completing an appraisal.
60 minutes	Development of Case Study and Reconciliation	Complete an appraisal analysis and understand the variables and judgement utilized for reconciliation and selection of a final indication of value.



301 Centennial Mall South, First Floor  
 PO Box 94963  
 Lincoln, NE 68509-4963  
<https://appraiser.ne.gov/>  
 402-471-9015

222140L.01

Board Number: ~~XXXXXXXX~~  
 Date Received:  
**RECEIVED**  
 NOV 21 2022  
 BY: KL JL  
 For Board Use Only

## APPLICATION FOR APPROVAL AS A CONTINUING EDUCATION ACTIVITY IN NEBRASKA

This application must be used by an education provider applying for approval of a continuing education activity or resubmission of an approved continuing education activity. A separate application form must be filed for each continuing education activity submitted for approval. Applicants should read carefully Chapter 6 of Title 298 of the Nebraska Administrative Code before completing the information below. Any application deemed to be incomplete may be returned.

### EDUCATION PROVIDER INFORMATION

Education Provider Name: American Society of Farm Managers and Rural Appraisers

Contact Person Name: Stockman Brian

Last First Middle

Address: 720 S Colorado Blvd Suite 360S Glendale CO 800246

PO Box or Street Number City State Zip Code + 4

dilk@asfmra.org 303-692-1222

Email Address Area Code + Phone Number

### CONTINUING EDUCATION ACTIVITY INFORMATION

Per the Real Property Appraiser Qualifications Criteria effective on January 1, 2022, synchronous educational offering means, the instructor and students interact simultaneously online, similar to a phone call, video chat or live webinar, or web-based meeting; asynchronous educational offering means the instructor and students' interaction is non-simultaneous, and the students progress at their own pace and follow a structured course content and quiz/exam schedule.

Activity Title: Appraising Ag Facilities: Feedlot Seminar

Activity Length (Hours): *Exam hours not required nor counted* 8

The activity is conducted:  In-class  By Correspondence (Synchronous)  Online (Asynchronous)

The activity is being submitted for approval as:  Seven-hour National USPAP Update Course  Other

This submission is a:  New Continuing Education Activity  Resubmission of an Approved Continuing Education Activity

Continuing Education Activity Secondary Provider:  Yes  No



301 Centennial Mall South, First Floor  
 PO Box 94963  
 Lincoln, NE 68509-4963  
<https://appraiser.ne.gov/>  
 402-471-9015

222340M.01

Board Number: ~~XXXXXXXXXX~~  
 Date Received:  
**RECEIVED**  
 NOV 21 2022  
 BY: KP JK  
 For Board Use Only

## APPLICATION FOR APPROVAL AS A CONTINUING EDUCATION ACTIVITY IN NEBRASKA

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Contact Person Name: Stockman Brian  
Last First Middle

Address: 720 S Colorado Blvd Suite 360S Glendale CO 800246  
PO Box or Street Number City State Zip Code + 4

dilk@asfmra.org 303-692-1222  
Email Address Area Code + Phone Number

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This submission is a:  New Continuing Education Activity  Resubmission of an Approved Continuing Education Activity

Continuing Education Activity Secondary Provider:  Yes  No

# Appraising Ag Facilities: Feedlot Seminar



**American Society  
of Farm Managers  
& Rural Appraisers**

THE MOST TRUSTED RURAL  
PROPERTY PROFESSIONALS

## Course Description:

Agricultural facilities are often the most difficult assignments an appraiser will be asked to tackle. Feedlot facilities are within that category, and no facility is exactly the same. This seminar reviews the underlying appraisal theory relative to facility appraisals and then applies the theory specifically to the valuation of a cattle feedlot. Applicable terminology, facility types and typical operations are presented, followed by discussion of the overall appraisal process beginning with problem identification, leading to the steps to complete and analyze a facility following the traditional approaches to value.

## Course Timeline: 8 Hours Continuing Education

Timed Outline		LEARNING OBJECTIVES
		<i>The student will be able to:</i>
30 minutes	Course Overview and Introduction	Identify the knowledge and awareness necessary for appraising feedlot facilities.
60 minutes	Feedlot Facilities: Facility types, trends and operations.	Identify typical operations and management tendencies, understand different categories of feedlots.
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60 minutes	Development of Case Study and Reconciliation	Complete an appraisal analysis and understand the variables and judgement utilized for reconciliation and selection of a final indication of value.

January						
Su	M	Tu	W	Th	F	Sa
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8	9	10	11	12	13	14
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29	30	31				

February						
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26	27	28				

March						
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April						
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30						

May						
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June						
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July						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
Su	M	Tu	W	Th	F	Sa
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13	14	15	16	17	18	19
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September						
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October						
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29	30	31				

November						
Su	M	Tu	W	Th	F	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# ANNOUNCEMENT



Dear Tyler,

The Appraisal Foundation has released an updated version of Part 2 from the *2022-2023 7-Hour USPAP Update Course Student Manual*. This update pertains to the real property and mass appraisal versions of the course. It replaces pages 9 to 24 of the course manuals.

## Why the update?

USPAP has always prohibited performing assignments with bias and has always required appraisers to follow applicable anti-discrimination laws. However, we were asked by the Appraisal Subcommittee to provide additional material to enhance the understanding of this critical issue and to ensure the training contains important elements needed to educate the appraiser about anti-discrimination and fair housing laws. The Appraisal Foundation engaged the preeminent fair housing law firm Relman Colfax to assist with this effort, and we are pleased with the results.

The Foundation has forwarded the updated materials to every student who has already taken the course, as well as to all USPAP instructors and course providers.

Thank you,

The Appraisal Foundation

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The Appraisal Foundation is the nation's foremost authority on the valuation profession. The organization sets the Congressionally-authorized standards and qualifications for real

## Kohtz, Tyler

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**From:** Aida Dedajic <aida@appraisalfoundation.org>  
**Sent:** Wednesday, November 16, 2022 1:36 PM  
**To:** Kohtz, Tyler  
**Subject:** Important: 7-Hour Course Update Information and Materials

Dear Tyler,

You can find an updated version of Part 2 from the *2022-2023 7-Hour USPAP Update Course Student Manual* here: <https://appraisalfoundation.sharefile.com/share/view/seb219a103b664574be64b8daa448c30e>

This update pertains to the real property and mass appraisal versions of the course. It replaces pages 9 to 24 of the course manuals.

The Appraisal Foundation has forwarded the above document to every student who has already taken the course. For all future courses, course providers and instructors will distribute

- the document free of charge **for those using the printed version of the student manual** for the 7-hour course, or
- will make sure their students have purchased (or they have purchased for them) **the updated digital version of the manual**.

We have recorded a webinar ([find webinar at this link](#)) that may answer some of the questions you may have about the update. After viewing the webinar, if you have additional questions about the contents of the updated document please email [AQB@appraisalfoundation.com](mailto:AQB@appraisalfoundation.com).

Thanks,  
Aida

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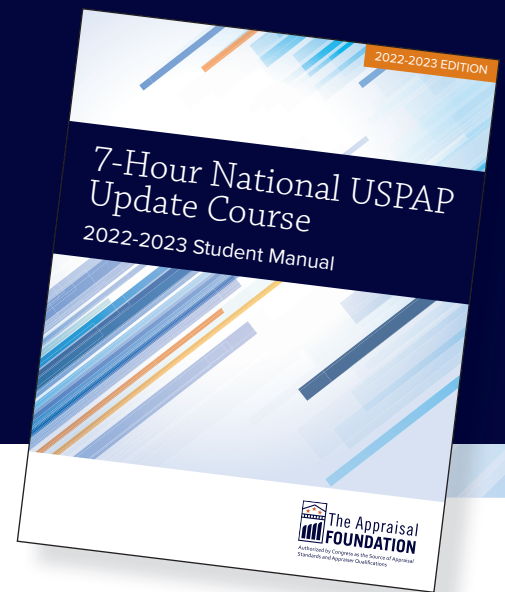
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# IMPORTANT UPDATE to the 7-Hour National USPAP Update Course 2022-2023 Student Manual



## PART 2: Fair Housing Update: Critical New Information for Appraisers

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*NOTE: This document replaces Part 2 (pp. 9 to 24) of the 2022-2023 7-Hour National USPAP Update Course and the 2022-2023 7-Hour USPAP Update Course for Mass Appraisal.*



Authorized by Congress as the Source of Appraisal Standards and Appraiser Qualifications



*The content in this section of the course is for information purposes only and is not intended to provide legal advice. Note that neither The Appraisal Foundation nor the Appraisal Standards Board has the authority to make, judge, or enforce the law.*

# Appraisal Bias and Illegal Discrimination

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## GENERAL INTRODUCTION

This 90-minute section of the course is allocated to an issue that has great importance for the appraisal profession: appraisal bias and illegal discrimination. USPAP has always prohibited illegal discrimination and has always required appraisers to perform assignments without bias. However, allegations of discrimination or bias in residential real property appraisal reports completed for lender clients have received considerable media coverage in the recent past, highlighting the importance of the appraiser's responsibility to comply with applicable anti-discrimination law and protect the overall public trust.

Examples of some of the more prominent reports published in the last few years that discuss appraisal bias include the following ([see sources for these reports at the end of this section](#)):

- How Common is Appraiser Racial Bias? (January 2021)
- Racial and Ethnic Valuation Gaps in Home Purchase Appraisals (September 2021)
- Does Appraiser and Borrower Race Affect Valuation? (October 2021)
- Reducing Valuation Bias by Addressing Appraiser and Property Valuation Commentary (December 2021)
- Identifying Bias and Barriers, Promoting Equity: An Analysis of the USPAP Standards and Appraiser Qualification Criteria (January 2022)
- Snapshot of Race and Home Buying in America (February 2022)
- Action Plan to Advance Property Appraisal and Valuation Equity (March 2022)
- How Common is Appraiser Racial Bias—an Update (May 2022)
- Appraisal Survey, National Association of Realtors Research Group (September 2022)

The titles of these reports and their frequency make it clear that the topic of appraisal bias is very important to not just appraisers, but to the public as well. To address this important topic, in this section of the course, the issues of appraisal bias and illegal discrimination will be discussed in the general context of certain key anti-discrimination laws, and those discussions will be followed by references to some relevant sections of USPAP that relate to the topic being discussed.

NOTE: The report above titled “Identifying Bias and Barriers, Promoting Equity: An Analysis of the USPAP Standards and Appraiser Qualification Criteria” contains a brief history of valuation bias and appraisal discrimination and describes its adverse impact on minority populations.

## USPAP REFERENCES:

- DEFINITION OF BIAS (Line 91)
  - “a preference or inclination that **precludes** an appraiser’s impartiality, independence, or **objectivity** in an assignment.”
- DEFINITION OF APPRAISER (lines 77 to 78)
  - “one who is expected to perform valuation services competently and in a manner that is independent, impartial, and **objective**.”

NOTE: **Bold** in all USPAP References are added for emphasis.

# Introduction to Anti-Discrimination Laws

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## DISCUSSION ON LEGAL INFORMATION

In addition to USPAP, laws and regulations create legal and ethical duties for appraisers with respect to non-discrimination in a **variety of contexts**. These laws and regulations can be applicable to an appraiser, an appraisal assignment, valuation services, or even an appraiser's business practices and policies. Anti-discrimination laws exist at federal, state, and local levels, and their specific requirements or prohibitions vary across jurisdictions.

One source<sup>1</sup> demonstrates the variation across jurisdictions:

*The federal Fair Housing Act, passed as part of the Civil Rights Act of 1968, prohibits discrimination in housing-related transactions for individuals who are members of a protected class — these include race, color, national origin, religion, sex, familial status, and disability. **Forty-nine states and D.C. have adopted their own fair housing laws to expand upon these federal protections. . . . These laws regulate which protected classes are included, the types of discriminatory actions that are prohibited, and when discrimination is exempt under the law.** [Bold added for emphasis.]*

USPAP requires the appraiser to have a recognition of, and to comply with, laws and regulations that apply to the appraiser or to the assignment.

As noted earlier, given the current focus on the appraisal profession and issues related to appraisal bias and illegal discrimination, this section of the course will touch only on civil rights laws, and specifically on two anti-discrimination laws related to fair housing and fair lending: the Fair Housing Act (FHA) and the Equal Credit Opportunity Act (ECOA).

NOTE: In addition to the FHA (including its 1988 amendments) and ECOA, there are other federal and state laws and regulations related to fair housing and fair lending; however, most of those laws take their roots from FHA and ECOA.

When laws such as the FHA and ECOA are passed, the law itself will often specify that, to implement that law, regulations must also be adopted. The law will assign the authority to write and adopt those regulations to a specific agency.

For example, the Department of Housing and Urban Development (HUD) has the authority and responsibility for administering and enforcing the FHA and the power to promulgate rules to interpret and enforce the FHA. The Consumer Financial Protection Bureau (CFPB) plays that role for ECOA.

And, while not covered in this class, to better understand how to comply with each law, it can be useful to know which entity is charged with its administration or with its enforcement, as that entity may publish guidance about that specific law.

<sup>1</sup> <https://lawatlas.org/datasets/state-fair-housing-protections-1498143743>. Note that this source document was last updated in 2019 and information may be out of date.

## USPAP REFERENCES:

Sections of USPAP that relate to the above legal discussion:

- DEFINITION OF APPRAISER, lines 77-78:
  - “one who is expected to perform **valuation services** competently and in a manner that is independent, impartial and **objective**.”
- DEFINITION OF BIAS, line 91:
  - “a preference or inclination that **precludes** an appraiser’s impartiality, independence, or **objectivity** in an assignment.”
- DEFINITION OF APPRAISAL PRACTICE, lines 67-72:
  - “valuation services performed by an individual acting as an appraiser, including but not limited to appraisal and appraisal review.”  
Comment: **Appraisal practice is provided only by appraisers**, while valuation services are provided by a variety of professionals and others. The terms appraisal and appraisal review are intentionally generic and are not mutually exclusive. For example, an opinion of value may be required as part of an appraisal review assignment.”
- DEFINITION OF VALUATION SERVICE, lines 166-167
  - “a service pertaining to an aspect of property value, regardless of the type of service and whether it is performed by appraisers, or by others.”
- COMPETENCY RULE, lines 306, 309-310
  - “Competency requires: **recognition of**, and **compliance with, laws and regulations that apply to the appraiser or to the assignment**.”
- COMPETENCY RULE, lines 299-300:
  - “In all cases, the appraiser **must perform competently** when **completing** an assignment.”
- SCOPE OF WORK RULE, lines 364-365, 371, and lines 378-381:
  - “...identification of the problem to be solved requires the appraiser to identify the following assignment elements...**assignment conditions**.”
  - “Assignment conditions include assumptions, extraordinary assumptions, hypothetical conditions, **laws and regulations**, jurisdictional exceptions and other conditions that affect the scope of work. Laws include constitutions, legislative and court-made law, administrative rules, and ordinances. Regulations include rules or orders, having legal force, issued by an administrative agency.”

# Enforcement Authorities

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## DISCUSSION ON LEGAL INFORMATION

On February 4, 2022, eight federal agencies, all of whom are represented on the Appraisal Subcommittee and are charged with enforcing non-discrimination standards under the Fair Housing Act (FHAct) and/or the Equal Opportunity Act (ECOA), issued a letter<sup>2</sup> to the Appraisal Standards Board. Part of that letter read as follows:

*The FHAct and ECOA prohibit different treatment based on race, color, national origin, or other protected characteristics. Prohibited discrimination can occur in the appraisal context. For example, an appraiser's use of or reliance on conclusions based on protected characteristics, regardless of whether the appraiser believes the conclusions are supportable, constitute illegal discrimination. These laws also prohibit neutral policies or practices that disproportionately harm a protected group except when justified by business necessity and absent a less discriminatory alternative. Any determination that entities and individuals may have engaged in prohibited discrimination will depend on the statute, its implementing regulations, and other factors.*

Thus, any determination that an appraiser has engaged in prohibited discrimination will be made by enforcement authorities (including many of the signatories to this letter) who are familiar with the various factors that would go into such determination. A case involving an appraisal may also be brought in court by the United States Department of Justice or private litigants in a civil suit.

HUD initiates some investigations of complaints of appraisal bias and illegal appraisal discrimination under the Fair Housing Act. In the last year or so, HUD is reported to have received over 100 complaints related to appraisal bias. Those cases are reported to be making their way through the HUD investigation process.

Remaining aware of any public information about relevant cases and enforcement actions will prove helpful to the appraiser and to the profession. And, having measures in place to assure your assignments are completed in compliance with the law (and with USPAP), is important not just for the credibility of your work, but for the greater good of the public trust.

## EXAMPLE

One resource,<sup>3</sup> gives three examples of fair lending discrimination cases. The source also acknowledges the importance of having real life examples:

*"When news of a settlement, enforcement action, civil money penalty or other regulatory news breaks, it provides a valuable opportunity to learn. In particular, it provides a good chance to see the potential impacts of fair lending risks and violations."*

NOTE: The examples provided by this source relate to the lender; however, they are still informative for the appraiser.

<sup>2</sup> The letter can be found on the Appraisal Foundation's website.

<sup>3</sup> <https://www.ncontracts.com/nsight-blog/3-real-world-examples-fair-lending-discrimination>

Four examples of settlements, enforcements, or penalties related to appraising (i.e., case studies) are noted here:<sup>4</sup>

- 1) *United States v. Am. Inst. of Real Est. Appraisers of the Nat'l Ass'n of Realtors (AIREA)*, 442 F. Supp. 1072, 1076 (N.D. Ill. 1977) (This case describes the United States' complaint against four trade associations for promulgating appraisal standards that caused "appraisers and lenders to treat race and national origin as a negative factor in determining the value of dwellings," in violation of 42 U.S.C. §§ 3604(a), 3605, and 3617.)
- 2) *Swanson v. Citibank, N.A.*, 614 F.3d 400, 406 (7<sup>th</sup> Cir. 2010) (Swanson's complaint of racial discrimination in a home equity loan application under the Fair Housing Act was stated both as to the lender and the appraiser who valued the property \$70,000 lower than its estimated value at the beginning of the transaction.)
- 3) *Barkley v. Olympia Mortg. Co.*, No. 04 CV 875 RJD/KAM, 2007 WL 2437810, at \*15, \*21 (E.D.N.Y. Aug. 22, 2007) (This case involved allowing a reverse-redlining claim under §§ 3604(b) and 3605 to proceed against an appraiser, developers, mortgage lenders, lawyers, and other appraisers who allegedly overvalued homes.)
- 4) HUD Conciliation Agreement with JP Morgan Chase, available at [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_21\\_037](https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_037) (This case resolved a complaint alleging that Chase had valued a home for less than its worth because of its reliance on a racially discriminatory appraisal.)

#### USPAP REFERENCES:

- PREAMBLE (lines 1-4)
  - "The purpose of the *Uniform Standards of Professional Appraisal Practice* (USPAP) is **to promote and maintain a high level of public trust in appraisal practice** by establishing requirements for appraisers. It is essential that appraisers develop and communicate their analysis, opinions, and conclusions to intended users of their services in a manner that is meaningful and **not misleading.**"
- PREAMBLE (lines 5-8)
  - "The Appraisal Standards Board promulgates USPAP for both appraisers and users of appraisal services. The appraiser's **responsibility is to protect the overall public trust** and it is the importance of the role of the appraiser that places ethical obligations on those who serve in this capacity."
- PREAMBLE (lines 12-13)
  - "The ETHICS RULE sets forth the requirements for integrity, impartiality, **objectivity**, independent judgment, and ethical conduct."

<sup>4</sup> The first three examples are taken from a Department of Justice Statement of Interest: <https://www.justice.gov/crt/case/statement-interest-austin-et-al-v-miller-et-al>

- PREAMBLE (line 16)
  - “The COMPETENCY RULE presents pre-assignment and assignment conditions for **knowledge and experience.**”
- PREAMBLE (line 17)
  - “The SCOPE OF WORK RULE presents obligations related to **problem identification, research, and analysis.**”
- PREAMBLE (lines 35-36)
  - “Neither the Foundation nor its Appraisal Standards Board is a government agency with the power to make, **judge, or enforce** law.”
- PREAMBLE (lines 18-19)
  - “The JURISDICTIONAL EXCEPTION RULE preserves the balance of USPAP if a portion **is contrary to law** or public policy of a jurisdiction.”
- ETHICS RULE (lines 185-186)
  - “An appraiser must perform assignments with impartiality, **objectivity,** and independence, and **without accommodation of personal interests.**”
- ETHICS RULE (line 188)
  - “An appraiser must not perform an assignment with **bias.**”
- ETHICS RULE (line 201)
  - “An appraiser must not engage in **criminal conduct.**”
- ETHICS RULE (line 203)
  - “An appraiser must not perform an assignment in a **grossly negligent manner.**”
- COMPETENCY RULE (lines 301-302)
  - “...an appraiser must **not render appraisal services in a careless or negligent manner.** This Rule requires the appraiser to use **due diligence and due care.**”

## The Fair Housing Act: General Information

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### DISCUSSION ON LEGAL INFORMATION

The Fair Housing Act, also known as the Title VIII of the 1968 Civil Rights Act (subsequently amended in 1988 by the Fair Housing Amendments Act) addresses housing discrimination and covers most types of housing. The following is a quote from a HUD webpage:<sup>5</sup>

*The Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing related activities.*

And further:

*The Fair Housing Act prohibits discrimination in housing because of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability.*

<sup>5</sup> [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

HUD has stated that:

*The command of the law is that these seven bases for distinguishing among home seekers [race, color, religion, sex, disability, familial status, or national origin] must be irrelevant to a housing decision.<sup>6</sup>*

While the law has multiple sections that address a wide range of activities related to housing, there is only one specific section of the FHAct that directly references appraisals or appraising:

**Sec. 805. [42 U.S.C. 3605] Discrimination in Residential Real Estate-Related Transactions**

(a) In General.--It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) Definition.--As used in this section, the term "residential real estate-related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance--
  - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
  - (B) secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(c) Appraisal Exemption.--Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 3605 specifically mentions appraising or appraisals, and the Department of Justice, on February 14, 2022, filed a Statement of Interest<sup>7</sup> regarding its interpretation of the applicability of the FHAct to appraisal activities, stating:

*[B]y its plain terms, the Act directly prohibits discrimination by "any person or other entity" engaged in the "apprais[al] of residential real property."*

While other sections of the FHAct do not directly mention appraising or appraisals, they apply broadly to any person engaging in a prohibited practice, as explained by a fair housing treatise:

*With the exception of § 3605's ban of discrimination in certain real estate-related transactions. . . and § 3608's affirmative command to federal agencies. . . , the substantive provisions of the statute (§§ 3604, 3605, 3606, 3617) simply declare certain housing practices to be unlawful without specifying who may be held responsible for these practices. Thus, anyone who commits one of the acts proscribed by the statute's substantive provisions is liable to suit, unless he is covered by one of the exemptions contained in § 3603(b) or § 3607.<sup>8</sup>*

<sup>6</sup> HUD, TITLE VIII COMPLAINT INTAKE, INVESTIGATION, AND CONCILIATION HANDBOOK (8024.1) at 2-4, available at <https://www.hud.gov/sites/documents/80241C2FHEH.PDF>

<sup>7</sup> <https://www.justice.gov/crt/case/statement-interest-austin-et-al-v-miller-et-al>. A Statement of Interest is a legal document that the Department of Justice may file to express the position of the government when litigation between private parties implicates the interests of the government. See 28 U.S. Code § 517.

<sup>8</sup> Robert Schwemm, Housing Discrimination Law and Litigation § 12B:1. Who may be liable under the Fair Housing Act—Introduction (internal chapter references omitted).



The Department of Justice concluded in its Statement of Interest that all of the FHAct's provisions apply to appraisers:

*[T]he Act's provisions, including § 3604, §3605, and §3617, all apply to appraisals and appraisers.*

**Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices** As made applicable by section 803 of this title and except as exempted by sections 803(b) and 807 of this title, it shall be unlawful--

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

1. (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)

1. (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of--

1. (A) that buyer or renter,

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of--

1. (A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

Appraisers<sup>9</sup> should particularly be aware of § 3604(a), which makes it unlawful to “make unavailable or deny” a dwelling to any person because of a protected characteristic, and § 3604(c), which prohibits “any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based [protected characteristics], or an intention to make any such preference, limitation, or discrimination.”

Beyond the Department of Justice’s Statement of Interest, additional current federal guidance<sup>10</sup> related to the application of the Fair Housing Act to appraisers, is available for those who are a part of the FHA roster and who complete appraisals for FHA.<sup>11</sup>

A copy of the Fair Housing Act of 1968 and the Fair Housing Amendments Act (FHAA) are available online. A HUD source for information on the Fair Housing Act is available at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

### USPAP REFERENCES:

- COMPETENCY RULE (lines 298-300)
  - “An appraiser must: (1) **be competent** to perform the assignment; (2) acquire the necessary competency to perform the assignment; or (3) decline or withdraw from the assignment. In all cases, the appraiser **must perform competently** when completing the assignment.”
- COMPETENCY RULE (lines 305-310)
  - “An appraiser must determine, **prior** to agreeing to perform an assignment, that he or she can perform the assignment competently. Competency requires:
    1. the ability to properly identify the problem to be addressed;
    2. the **knowledge** and experience to complete the assignment competently; and
    3. recognition of, and compliance with, **laws and regulations** that apply to the appraiser or to the assignment.”
- COMPETENCY RULE (lines 311-313)
  - “Competency may apply to factors such as, but not limited to, an appraiser’s familiarity with a specific type of property or asset, a market, a geographic area, an intended use, **specific laws and regulations**, or an analytical method.”
- COMPETENCY RULE (lines 326-328)
  - “Competency can be acquired in various ways, including, but not limited to, **personal study** by the appraiser, **association** with an appraiser reasonably believed to have the necessary knowledge and/or experience, or **retention of others** who possess the necessary knowledge and/or experience.”

<sup>9</sup> The COMPETENCY RULE in USPAP has requirements as to when an appraiser must be aware of, and comply with applicable laws and regulations. Not all appraisers and not all assignments are subject to every law, however, fair housing laws related to appraisals apply in many circumstances.

<sup>10</sup> See the next section of this course for the source of this information.

<sup>11</sup> <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-27hsgml.pdf>

- COMPETENCY RULE (lines 329-331)
  - “In an assignment **where** geographic competency is necessary, an appraiser who is not familiar with the **relevant market characteristics** must acquire an understanding necessary to produce credible assignment results for the **specific property type** and **market** involved.”

# The Fair Housing Act: Specific Information

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## DISCUSSION ON LEGAL INFORMATION

Under the FHAct, it is illegal to “discriminate in residential real-estate related practices.” And Section 803 of the Act notes that the “prohibitions against discrimination in the sale or rental of housing set forth in Section 804...shall apply to...dwellings...”

In the FHAct, “dwellings” are defined as:

*...any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.*

### EXAMPLES OF DWELLINGS:<sup>12</sup>

- Houses
- Apartments
- University Student Housing
- Farmworker Housing
- AIDS Hospice
- Nursing Homes
- Homeless Shelters

### EXAMPLES OF “NOT” DWELLINGS:<sup>13</sup>

- Motels
- Jails
- Bed and Breakfasts

<sup>12</sup> Note that this definition differs from the definition of “dwelling” used in the ECOA Valuations Rule, which governs when a lender is required to give a copy of a valuation report to an applicant. See 12 C.F.R. § 1002.14(b)(2); CFPB Factsheet: Transaction coverage under the ECOA Valuations Rule, [https://files.consumerfinance.gov/f/documents/cfpb\\_ecoa-valuation\\_transaction-coverage-factsheet.pdf](https://files.consumerfinance.gov/f/documents/cfpb_ecoa-valuation_transaction-coverage-factsheet.pdf). The definition in the FHAct is more expansive.

<sup>13</sup> <https://www.nhlp.org/wp-content/uploads/2017/09/Fair-Housing-Intro-PPT.pdf>

## PROTECTED CHARACTERISTICS

As noted above, the FHAct prohibits discrimination because of certain characteristics, referred to here as protected characteristics—specifically, the statute lists race, color, national origin, religion, sex, familial status, and disability. For more information about these protected characteristics, see the Department of Justice’s discussion of the Fair Housing Act on its website.<sup>14</sup> (including whether a person is transgender).<sup>15</sup>

Unlike the other protected characteristics, disability and familial status are defined in terms of the presence of a disability or the presence of children, respectively, and thus do not cover discrimination against those who are *not* disabled or do *not* have children.<sup>16</sup>

### EXAMPLE OF WHAT WOULD CONSTITUTE UNLAWFULNESS:

A real property appraiser agrees to perform an assignment involving completing an appraisal of a resident-occupied single-family home on behalf of a mortgage lender client. In completing the appraisal, the appraiser bases the value conclusion, in part, on protected characteristics of the area residents or the residents of the property (such as race, color, national origin, etc.) that are protected by law and prohibited from being considered in the appraisal.

### USPAP REFERENCES:

- SCOPE OF WORK RULE (line 370)
  - “identify...the subject of the assignment and its **relevant characteristics**”
- STANDARDS RULE 1-2(e) (lines 473-474)
  - “identify, from sources the appraiser reasonably to be reliable, the **characteristics of the property that are relevant** to the type and definition and intended use of the appraisal...”

<sup>14</sup> <https://www.justice.gov/crt/fair-housing-act-1>

<sup>15</sup> See, e.g., U.S. Department of Housing and Urban Development, “HUD to Enforce Fair Housing Act to Prohibit Discrimination of the Basis of Sexual Orientation and Gender Identity” (“Feb. 11, 2021), available at [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_21\\_021](https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_021).

<sup>16</sup> See, e.g., <https://www.justice.gov/crt/fair-housing-act-1>; see also Robert Schwemm, Housing Discrimination Law and Litigation § 11D:3 (noting that “the law does not prohibit housing from being made available especially *for* disabled people and their associates (i.e., that “reverse discrimination” suits against such housing by non-disabled persons are not authorized).”).

# The Equal Credit Opportunity Act: General Information

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## DISCUSSION ON LEGAL INFORMATION

The Equal Credit Opportunity Act (ECOA) originally passed Congress in 1974, 15 years before USPAP was created. ECOA prohibits discrimination by a **creditor** in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, an applicant's receipt of public assistance, or the good faith exercise of an applicant's rights under the Consumer Credit Protection Act, 15 U.S.C. § 1691.<sup>17</sup> Like the Fair Housing Act, the Equal Credit Opportunity Act has been interpreted to prohibit discrimination on the basis of sexual orientation and gender identity.<sup>18</sup>

ECOA prohibits discrimination by “creditors.” The term “creditor” is defined in ECOA's implementing regulations<sup>19</sup> as:

*[A] person who, in the ordinary course of business, **regularly participates in a credit decision, including setting the terms of the credit.***

Per information<sup>20</sup> provided by the Federal Deposit Insurance Corporation (FDIC):

*The ECOA prohibits discrimination in any aspect of a credit transaction. The ECOA is not limited to consumer loans. It applies to any extension of credit, including extensions of credit to small businesses, corporations, partnerships, and trusts.*

In making a credit decision, lenders are not permitted under ECOA to rely on an appraisal that they know or should have known is discriminatory.<sup>21</sup> A lender held liable in this scenario might seek indemnification or other relief from the appraiser who completed the appraisal in question. An entity does not need to be a bank or lender to qualify as a creditor under ECOA; a person who “in the ordinary course of business regularly participates in a credit decision” also qualifies. Whether, and if so under what circumstances, an appraiser could be considered to participate in a credit decision has not been adjudicated. It is likely these types of issues may be clarified in the future by an interpretation issued by the CFPB, the courts, and/or by any entity charged with its administration.

<sup>17</sup> <https://www.justice.gov/crt/equal-credit-opportunity-act-3>

<sup>18</sup> See, e.g., <https://www.consumerfinance.gov/about-us/newsroom/cfpb-clarifies-discrimination-by-lenders-on-basis-of-sexual-orientation-and-gender-identity-is-illegal/>

<sup>19</sup> 12 C.F.R. § 1002.2(l), <https://www.consumerfinance.gov/rules-policy/regulations/1002/2/#l>.

<sup>20</sup> <https://www.fdic.gov/regulations/laws/rules/5000-3860.html>

<sup>21</sup> See, e.g., 12 C.F.R. § 128.11 (“No [savings association](#) may use or rely upon an appraisal of a [dwelling](#) which the [savings association](#) knows, or reasonably should know, . . . is discriminatory per se or in effect under the [Fair Housing Act of 1968](#) or the [Equal Credit Opportunity Act](#).”); in the Fair Housing context, see also 24 C.F.R. § 100.135(d)(1), which prohibits “[u]sing an appraisal of residential real property in connection with the sale, rental, or financing of any dwelling where the person knows or reasonably should know that the appraisal improperly takes into consideration race, color, religion, sex, handicap, familial status, or national origin.”

The full law, and some guidance related to the law, can be found on the website of the CFPB, which is the entity charged with administering and enforcing<sup>22</sup> the Act. To date, they have not published guidance specifically written for appraisers. The CFPB has published guidance intended for consumers and lenders, which helps explain how the law is interpreted.

#### USPAP REFERENCES:

- PREAMBLE (lines 46-48)
  - “When an appraiser provides an opinion of value in an assignment, the appraiser must **also comply** with the SCOPE OF WORK RULE, the RECORD KEEPING RULE, the applicable development and reporting Standards and applicable Statements (there are currently no active Statements).”

## The Equal Credit Opportunity Act: Specific Information

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### DISCUSSION ON LEGAL INFORMATION

ECOA and its implementing regulations prohibit discrimination by “creditors.” The term “creditor” is defined quite broadly, however, and includes anyone who, in the ordinary course of business, “regularly participates in a credit decision,”<sup>23</sup> including by setting the terms of credit (such as the amount to be loaned). Although courts have not definitively addressed the question yet, appraisers may be considered to be “participating in a credit transaction” under ECOA and therefore count as creditors.

ECOA also defines “credit” broadly. Under ECOA, a transaction counts as “credit” if it involves a right to defer payment of a debt, or purchase property or services and defer payment therefor, all types of credit are covered—whether for personal or commercial purposes, secured or unsecured, or short term or long term.

If a lender relies on an appraisal (or evaluation, etc.) that is discriminatory, regardless of the intent of the appraiser, the appraiser and the lender may both be held liable for illegal discrimination.

<sup>22</sup> Per the CFPB website, the following is stated: “The Bureau may **enforce** the law **by filing an action** in federal district court or *by initiating* an administrative adjudication proceeding.”

(<https://www.consumerfinance.gov/enforcement/actions/>). Also, “Specifically, the Consumer Financial Protection Act authorizes us to issue investigational subpoenas known as civil investigative demands (CIDs) when looking into potential violations of law.” Per

<https://www.consumerfinance.gov/enforcement/life-cycle-of-enforcement-action/>

<sup>23</sup> 12 C.F.R. § 1002.2(l).

As noted in the prior section, the CFPB does not currently have guidance specifically directed at the appraiser. However, the CFPB recently released a blog post about the Reconsideration of Valuation process and the information discusses appraisals.<sup>24</sup>

When “appraisal[s]” is explicitly referred to in ECOA guidance, it is regarding requirements directed at the lender. The explicit statement in the law (§1691(e)) identifies that the lender is required to supply a copy of the appraisal report to the credit applicant.

In addition to the appraisal report, ECOA (§ 1691(e)(6)) considers all of the following to be valuation products:

***“(6) Valuation defined***

*“For purposes of this subsection, the term ‘valuation’ shall include any estimate of the value of a dwelling developed in connection with a creditor’s decision to provide credit, including those values developed pursuant to a policy of a government sponsored enterprise or by an automated valuation model, a broker price opinion, or other methodology or mechanism.”*

The specific definition of “valuation” in the law is broad and includes not only appraisals, but also evaluations, AVMs, and methodologies or mechanisms not specifically identified. However, this definition relates to situations where a lender must supply a report to the applicant. The anti-discrimination provisions of ECOA do not reference this definition, and their application does not hinge on whether or not something is considered a valuation.

And, as a side note, although public attention has focused on appraisals, the CFPB has also issued a preliminary notice about proposed rulemaking involving discriminatory issues and AVMs.<sup>25</sup>

## Disparate Treatment

### DISCUSSION ON LEGAL INFORMATION

Regardless if an appraiser is following USPAP or not for a particular assignment,<sup>26</sup> anti-discrimination laws can relate to that individual while acting in any capacity that is associated with them offering or providing valuation services (including running a business, etc.). To understand what these laws prohibit, it is helpful to understand how evidence of discrimination is

<sup>24</sup> <https://www.consumerfinance.gov/about-us/blog/mortgage-borrowers-can-challenge-inaccurate-appraisals-through-the-reconsideration-of-value-process/>

<sup>25</sup> [https://files.consumerfinance.gov/f/documents/cfpb\\_avm\\_outline-of-proposals\\_2022-02.pdf](https://files.consumerfinance.gov/f/documents/cfpb_avm_outline-of-proposals_2022-02.pdf)

<sup>26</sup> Meaning, essentially, if the appraiser is required to, has agreed to, or is choosing to comply with USPAP.

evaluated by courts. This part of the course discusses two methods of proving discrimination: disparate impact and disparate treatment. This section will cover disparate treatment discrimination, while the following section will cover disparate impact.

Title VIII Complaint Intake, Investigation, and Conciliation Handbook (8024.1),<sup>27</sup> a HUD document, states how the Supreme Court, at one time, explained “disparate treatment”:

*Disparate treatment...is the most easily understood type of discrimination. The employer simply treats some people less favorably than others because of their race, color, religion, sex, or national origin. Proof of discriminatory motive is critical....*

While the reference above is to employment related situations, the principle is what is being emphasized here—for disparate treatment to have occurred, there must have been an intent to discriminate. As a leading treatise on housing discrimination law describes:

*Housing practices covered by the Fair Housing Act that are motivated solely [or, in certain circumstances, in part]<sup>28</sup> by considerations of race, color, religion, sex, disability, familial status, or national origin violate the statute. Discrimination based on intentional consideration of any of these factors is illegal, even if the defendant was not motivated by personal prejudice or racial animus. **The Fair Housing Act requires that these bases for distinguishing among people must be irrelevant to a housing decision.**<sup>29</sup>*

It is important to note that the assessment of whether an action was discriminatory does *not* depend on whether the appraiser’s conclusions related to protected characteristics were or could be supported by data, as eight federal agencies charged with enforcing non-discrimination standards have noted:

*[A]n appraiser’s use of or reliance on conclusions based on protected characteristics, regardless of whether the appraiser believes the conclusions are supportable, constitute illegal discrimination.<sup>30</sup>*

The Schwemm housing discrimination treatise further notes that the discriminatory intent does not need to be overt:

*Evidence of the defendant’s discriminatory motive in a fair housing case may be either direct or circumstantial.<sup>31</sup>*

<sup>27</sup> [FHEO HANDBOOK 8024.1 | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

<sup>28</sup> Per the interpretation of fair housing attorneys, the ASB consulted with: A protected characteristic does not need to be the sole consideration in a covered housing practice for it to violate the law. Such practices can also violate the act when prohibited considerations are one factor in the decision, but not the sole factor, although courts differ on the precise requirements. See Robert Schwemm, § 10:3. Mixed-motive cases, Housing Discrimination Law and Litigation.

<sup>29</sup> Robert Schwemm, § 10:2. Intentional discrimination and the concept of a prima facie case, Housing Discrimination Law and Litigation (emphasis added)

<sup>30</sup> [https://files.consumerfinance.gov/f/documents/cfpb\\_appraisal-discrimination\\_federal-interagency\\_comment\\_letter\\_2022-02.pdf](https://files.consumerfinance.gov/f/documents/cfpb_appraisal-discrimination_federal-interagency_comment_letter_2022-02.pdf)

<sup>31</sup> Robert Schwemm, § 10:2. Intentional discrimination and the concept of a prima facie case, Housing Discrimination Law and Litigation.



For examples of interpretations by the National Fair Housing Alliance of what could constitute overt and circumstantial appraisal discrimination, please refer to their recent report.<sup>32</sup>

Regulators have recognized that discrimination can be inferred in context from the use of coded language:

*Use of certain code words can be evidence of disparate treatment. Whether a code word is evidence of disparate treatment depends on the context, inflection (if spoken), tone of voice (if spoken), custom, and historical usage. Examples of potential code words include describing minority neighborhoods as “crime-ridden,” “inner city” neighborhoods, or lacking “pride of ownership.” Code word evidence should be carefully evaluated in its full context before drawing conclusions.*<sup>33</sup>

#### USPAP REFERENCES:

- PREAMBLE (line 35)
  - “USPAP does **not establish** who or which assignments must comply [with USPAP].”
- PREAMBLE (lines 36-38)
  - “An appraiser must comply with USPAP **when** either the service or the appraiser is required by law, regulation, or agreement with the client. Individuals **may choose** to comply with USPAP any time that individual is performing a service as an appraiser.”
- ETHICS RULE (lines 179-180)
  - “This Rule specifies the personal obligations and responsibilities of the individual appraiser. An individual appraiser employed by a group or organization **that conducts itself in a manner that does not conform to USPAP** should take steps that are appropriate under the circumstances to ensure compliance with USPAP.”

<sup>32</sup> <https://nationalfairhousing.org/wp-content/uploads/2022/02/NFHA-Appraisal-Analysis-Presentation.pdf>; [https://nationalfairhousing.org/wp-content/uploads/2022/02/2022-01-28-NFHA-et-al\\_Analysis-of-Appraisal-Standards-and-Appraiser-Criteria\\_FINAL.pdf](https://nationalfairhousing.org/wp-content/uploads/2022/02/2022-01-28-NFHA-et-al_Analysis-of-Appraisal-Standards-and-Appraiser-Criteria_FINAL.pdf) at 17-18.

<sup>33</sup> FHFA, Advisory Bulletin AB 2021-04: Enterprise Fair lending and Fair Housing Compliance (Dec. 20, 2021), available at: <https://www.fhfa.gov/SupervisionRegulation/AdvisoryBulletins/AdvisoryBulletinDocuments/AB%202021-04%20Enterprise%20Fair%20Lending%20and%20Fair%20Housing%20Compliance.pdf>

# Disparate Impact

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## DISCUSSION ON LEGAL INFORMATION

Disparate impact differs from disparate treatment, because it is something that can arise when there is a neutral practice or policy that disproportionately impacts a protected class. Under disparate impact, plaintiffs who allege discriminatory effects do not have to show discriminatory intent.<sup>34</sup> As the Supreme Court has explained, “In contrast to a disparate-treatment case, where a plaintiff must establish that the defendant had a discriminatory intent or motive, a plaintiff bringing a disparate-impact claim challenges practices that have a disproportionately adverse effect on minorities and are otherwise unjustified by a legitimate rationale.”<sup>35</sup> Thus, what does the concept of disparate impact mean for an appraiser? One quote<sup>36</sup> from the National Association of Realtors (whose members also include appraisers) sums it up nicely:

*Many disparate impact claims are filed against local government policies that limit private property rights, block property development, and exclude populations based on race... To protect against liability, housing providers should ensure that there is a legitimate business necessity for any policy or practice that has a disparate impact on a protected class, and that such business necessity cannot be accomplished by an alternative policy with a less-discriminatory effect.*

The FDIC has stated that “[I]t has been clearly established that proof of lending discrimination using a disparate impact analysis encompasses several steps. The single fact that a policy or practice creates a disparity on a prohibited basis is not alone proof of a violation. Where the policy or practice is justified by 'business necessity' and there is no less discriminatory alternative, a violation of the FHAct or the ECOA will not exist.”

As regulators have stated, a policy with a strong business justification can still violate the law if there is an “equally effective alternative for accomplishing the same objective with a smaller disproportionate adverse impact.”<sup>37</sup>

*The law does not require an institution to abandon a policy or criterion that is clearly the most effective method of accomplishing a legitimate business objective. However, if an alternative that is approximately equally effective is available that would cause a less severe adverse impact, the policy or criterion in question may constitute be a violation.*<sup>38</sup>

In summary, the concept of disparate impact should be something the appraiser understands. Guidance on the concept of disparate impact (and related topics) for appraisers may be issued by regulators, so appraisers should keep abreast of any new developments. (See Federal Guidance on Fair Housing and Fair Lending Laws section of this course for more information.).

<sup>34</sup> Texas Department of Housing and Community Development Affairs vs Inclusive Communities Project, Inc., 1135 S. Ct. 2507 (2015).

<sup>35</sup> Texas Dep't of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc., 135 S. Ct. 2507, 2513 (2015) (internal quotations omitted).

<sup>36</sup> <https://www.nar.realtor/disparate-impact>

<sup>37</sup> Interagency Fair Lending Exam Procedures, 27, available at <https://www.ffiec.gov/pdf/fairappx.pdf>

<sup>38</sup> *Id.*

The FDIC has issued guidance on the topics of disparate treatment and disparate impact with examples. None of the examples are specific to appraisal, although the concepts are important to know and understand.<sup>39</sup> Below is an example of disparate impact, as provided by the FDIC:

*A lender's policy is not to extend loans for single family residences for less than \$60,000.00. This policy has been in effect for ten years. This minimum loan amount policy is shown to disproportionately exclude potential minority applicants from consideration because of their income levels or the value of the houses in the areas in which they live. The lender will be required to justify the "business necessity" for the policy.*

As the FDIC also notes, “[e]ven if a policy or practice that has a disparate impact on a prohibited basis can be justified by business necessity, it still may be found to be discriminatory if an alternative policy or practice could serve the same purpose with less discriminatory effect.”<sup>40</sup>

The National Fair Housing Alliance has explained that the concept would apply similarly in the appraisal context:

*Example: An appraisal management company has a policy of not conducting any appraisals for homes valued at less than \$100,000. Although this policy does not explicitly mention race or national origin, the loan amount threshold has a disproportionate adverse impact on borrowers of color and on borrowers in neighborhoods of color. Assuming the appraisal management company cannot provide a legitimate, non-discriminatory purpose for the policy (or that a plaintiff can provide a less discriminatory alternative to the policy), this policy likely would violate the Fair Housing Act's and the ECOA's prohibition on discrimination on the basis of race and national origin.*<sup>41</sup>

#### USPAP REFERENCES:

- Definition of Intended User (lines 127-128)
  - “the client and any other party **as identified**, by name or type, as users of the appraisal or appraisal review report **by the appraiser**, based on communication with the client at the time of the assignment”
- Standards Rule 2-2(a)(ii) (lines 597-599)
  - “A party receiving a copy of an Appraisal Report in order to satisfy disclosure requirements does not become an intended user of the appraisal unless the appraiser identifies such party as an intended user as part of the assignment.”

<sup>39</sup> FDIC Law, Regulations, Related Acts - Statements of Policy;  
<https://www.fdic.gov/regulations/laws/rules/fdic-interagency-statements.html>

<sup>40</sup> Id.

<sup>41</sup> NFHA Report at 32. [https://nationalfairhousing.org/wp-content/uploads/2022/02/2022-01-28-NFHA-et-al\\_Analysis-of-Appraisal-Standards-and-Appraiser-Criteria\\_FINAL.pdf](https://nationalfairhousing.org/wp-content/uploads/2022/02/2022-01-28-NFHA-et-al_Analysis-of-Appraisal-Standards-and-Appraiser-Criteria_FINAL.pdf)

# Enforcement of FHAct and ECOA

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## DISCUSSION ON LEGAL INFORMATION

While the FHAct was enacted in 1968 (and amended in 1988) and ECOA was enacted in 1974, laws related to fair housing and fair lending continue to evolve and change, and interpretations of them also change. In other words, even if the law does not change, the interpretation and enforcement of that law may change.

### EXAMPLE:

In February 2021, HUD directive 21-021<sup>42</sup> refers to the “Department’s **legal conclusion** that the Fair Housing Act’s sex discrimination provisions are comparable in text and purpose to those of Title VII of the Civil Rights Act, which bars sex discrimination in the workplace.” The memo also stated, “HUD **has now determined** that the Fair Housing Act’s prohibition on sex discrimination in housing likewise includes discrimination on the basis of sexual orientation and gender identity.”<sup>43</sup>

Given the depth of the laws, the scope of the interpretations, and the various executive orders and regulations that can have an impact on their enforcement, it is beyond the scope of USPAP to provide an appraiser with specific guidance on complying with each individual law, interpretation, executive order, and regulation. However, it is important to know and understand the foundational anti-discrimination laws, including FHAct and ECOA, and be prepared to comply with these laws in all situations within appraisal practice and while operating your appraisal business (even though USPAP only addresses appraisal practice and not business practice). The laws and/or their interpretations can change during a time when USPAP is in effect. Thus, USPAP will always direct the appraiser to fulfill their professional responsibility to know and apply applicable FHAct and ECOA laws.

### USPAP REFERENCES:

- COMPETENCY RULE (lines 311-313):
  - “Competency may apply to factors such as, but not limited to, an appraiser’s familiarity with a specific type of property or asset, a market, a geographic area, an intended use, **specific laws and regulations**, or an analytical method.”
- STANDARDS RULE 1-1(a) (lines 436 to 449)
  - “In developing a real property appraisal, an appraiser must:  
(a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal

<sup>42</sup> [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_21\\_021](https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_021)

<sup>43</sup> CFPB has reached a similar conclusion. See CFPB Clarifies That Discrimination by Lenders on the Basis of Sexual Orientation and Gender Identity Is Illegal, <https://www.consumerfinance.gov/about-us/newsroom/cfpb-clarifies-discrimination-by-lenders-on-basis-of-sexual-orientation-and-gender-identity-is-illegal/> (noting that “The Bureau believes that even though the term “sex” is not defined in ECOA or Regulation B, the prohibitions against discrimination on the basis of “sex” under ECOA and Regulation B are correctly interpreted to include discrimination based on sexual orientation and/or gender identity.”).

Comment: This Standards Rule recognizes that the principle of change continues to affect the manner in which appraisers perform appraisal services. Changes and developments in the real estate field have a substantial impact on the appraisal profession. Important changes in the cost and manner of constructing and marketing commercial, industrial, and residential real estate **as well as changes in the legal framework in which real property rights and interests are created, conveyed, and mortgaged** have resulted in corresponding changes in appraisal theory and practice. **Social change** has also had an effect on appraisal theory and practice. To keep abreast of these changes and developments, the appraisal profession is constantly reviewing and revising appraisal methods and techniques and devising new methods and techniques to meet new circumstances. For this reason, it is not sufficient for appraisers to simply maintain the skills and the knowledge they possess when they become appraisers. Each appraiser must **continuously improve** his or her skills **to remain proficient** in real property appraisal.”

## Federal Guidance on Fair Housing and Fair Lending Laws

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### DISCUSSION ON LEGAL INFORMATION

The FHA Mortgagee Letter 2021-27 issued on November 21, 2021, “Appraisal Fair Housing Compliance and Updated General Appraiser Requirements” is current federal guidance available which addresses the application of the Fair Housing Act to appraisers. According to *the Action Plan to Advance Property Appraisal and Valuation Equity* report<sup>44</sup> issued by the Property Appraisal and Valuation Equity (PAVE) task force, enhanced guidance for residential real property appraisers who complete loans for lender clients will be forthcoming:

#### Action 1.1

**Clarify the application of the Fair Housing Act and ECOA to the appraisal industry to ensure appraisers have clear guidance on antidiscrimination obligations under current federal laws.**

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Although FHA recently issued guidance on the application of the Fair Housing Act to appraisers on the FHA Appraiser Roster, there is no federal guidance dedicated to the broad application of the Fair Housing Act and ECOA to the appraisal industry as a whole. In the absence of this guidance, the appraisal industry lacks clarity around its antidiscrimination obligations under current federal laws.

#### Actions:

- CFPB, DOJ, VA, and HUD will issue guidance on the Fair Housing Act’s and ECOA’s application to the appraisal industry.

<sup>44</sup> <https://pave.hud.gov/>

Competency requires an appraiser to be familiar with specific laws and regulations and guidance associated with those laws should be used to assist appraisers with compliance when those laws apply to the appraiser or to the assignment. Appraisers should be aware of and review additional guidance issued by these agencies.

One other federal agency has issued guidance, not necessarily on the application of the Fair Housing Act, but on a related topic. On December 14, 2021, the Federal Housing Finance Agency (FHFA) released a blog post titled “Reducing Valuation Bias by Addressing Appraiser and Property Valuation Commentary.”<sup>45</sup>

The blog post indicated that FHFA frequently found overt references to race, ethnicity, and other prohibited bases in appraisal reports. The blog concluded these references indicated a continued presence of valuation bias and went on to provide guidance to appraisers so they can ensure their appraisals are compliant with fair lending principles.

The practices identified as being against the law in the blog post are prohibited under USPAP (USPAP requires the appraiser to have a recognition of, and comply with, laws and regulations that apply to the appraiser or to the assignment) and thus, it is recommended individual appraisers read and understand the information in that post. Regardless of appraisal discipline, and even if the appraiser never performs appraisals subject to fair housing laws, the materials are recommended for reading to demonstrate how one federal agency has viewed the importance of “*neutralizing discrimination and discriminatory practices*” in property valuation.

The appraiser must personally take the responsibility to fully understand their obligations to fair housing and anti-discrimination laws. USPAP cannot tell the appraiser which laws to comply with, since the answer will vary by assignment.

#### USPAP REFERENCE:

- PREAMBLE (lines 35-37)
  - “Neither the Foundation nor its Appraisal Standards Board is a government agency with the power to make, **judge**, or **enforce** law.”
- PREAMBLE (line 35)
  - “USPAP does not establish **who** or which assignments must comply [with USPAP].”

<sup>45</sup> <https://www.fhfa.gov/Media/Blog/Pages/Reducing-Valuation-Bias-by-Addressing-Appraiser-and-Property-Valuation-Commentary.aspx>

# Lender Guidance on Valuation Bias and Fair Lending

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## DISCUSSION ON LEGAL INFORMATION

Fair lending and fair housing laws can apply to residential real property appraisers, commercial appraisers, personal property appraisers, and business appraisers. They also apply to many of the clients of appraisal services, many of whom also issue guidance for appraisers on the subject.

## USPAP DISCUSSION

This client-issued guidance, under USPAP, can be an example of one of the assignment elements an appraiser needs to identify to be able to correctly conclude the appraisal problem to be solved. For many real property appraisal assignments, these client-issued guidelines become, under USPAP, essentially “assignment conditions.”

Appraisers should be aware that while such assignment conditions may impose *additional* obligations on an appraiser, they do not supersede the requirements of the FHAct or ECOA.

For example, entities and federal agencies such as Fannie Mae, FHA, VA, etc., issue their own guidelines for the real property appraiser, which most often include direct references to fair housing laws and suggested application of methodologies and techniques associated with those laws. An appraiser would not follow every guideline from every entity or federal agency at the same time; rather, the appraiser would follow the guidelines applicable to the particular assignment, as well as all applicable laws.<sup>46</sup>

Assignment conditions are **specific** to each appraisal assignment. If the appraiser is working on an appraisal where the Fannie Mae guidelines are an assignment condition, the appraiser must follow them.<sup>47</sup>

For that reason, because there are nuances that are specific to the needs of each different lender client, USPAP does not dictate the exact way in which an appraiser must, for each assignment, comply with the application of fair housing laws to the specific assignment. Each client has different information they want to know related to fair housing laws, and while lenders may have similar “themes” associated with the foundational laws of FHAct and ECOA, there are nuances and differences between the guidelines. In short, requirements of the FHAct and ECOA are the floor, not the ceiling.

USPAP requires the appraiser to understand which (if applicable) lender guidelines (“assignment conditions”) related to fair housing apply to their specific assignment. USPAP does not dictate which guidelines to follow, as that depends on each individual appraisal assignment.

<sup>46</sup> A nuanced detail to this statement is explained in USPAP under the SCOPE OF WORK RULE, lines 382-401, which explains the appraiser is ultimately the one responsible for scope of work decisions.

<sup>47</sup> The same nuanced detail in the footnote above also applies here.

However, an appraiser should remember that regardless of the assignment conditions a client asks the appraiser to follow, the appraiser is the one who is responsible for any decisions related to scope of work. The appraiser cannot follow those assignment conditions that are discriminatory, are inappropriate, violate the law, limit necessary research, etc.

NOTE: Lender guidelines (assignment conditions) related to fair housing requirements have continually improved and are typically very clear and direct.

#### USPAP REFERENCES:

- Definition of ASSIGNMENT CONDITIONS (lines 81-82)
  - “assumptions, extraordinary assumptions, hypothetical conditions, laws and regulations, jurisdictional exceptions, and **other conditions that affect the scope of work.**”
- SCOPE OF WORK RULE (Lines 364-365, 371)
  - “...identification of the problem to be solved requires the appraiser to **identify the...assignment elements...** [including identifying the applicable] **assignment conditions**”
- SCOPE OF WORK RULE (lines 378-381)
  - “Assignment conditions include assumptions, extraordinary assumptions, hypothetical conditions, laws and regulations, jurisdictional exceptions, and **other conditions that affect the scope of work.** Laws include constitutions, legislative and court-made law, administrative rules, and ordinances. Regulations include rules of orders, having legal force, issued by an administrative agency.”
- SCOPE OF WORK RULE (lines 392-393)
  - “**An appraiser must not allow** assignment conditions **to limit** the scope of work to such a degree that the assignment results are not credible in the context of the intended use.”

## USPAP and the Appraiser

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This section discusses topics from a USPAP perspective.

USPAP has always prohibited unlawful discrimination. It is important to recognize the ways in which USPAP addresses this issue.

In the USPAP publication, Advisory Opinion 16 lists the relevant USPAP and Advisory References. Each of those references are discussed below; however, before that discussion begins, it is important to quickly remind appraisers of how USPAP is organized.



Appraisers will recognize this table, which appears on page 112 of the current USPAP publication, and is a part of Advisory Opinion 21:<sup>48</sup>

← Valuation Services →		
<p><b>Appraisal Practice</b> Valuation services performed by an individual acting as an appraiser Appraisal and Appraisal Review (Development and Reporting)</p>	<p>Other valuation services when acting as an appraiser</p>	
<p>All Rules apply.</p> <p>Standards apply. Which ones apply varies by assignment.</p>	<p>Three Rules apply: ETHICS RULE COMPETENCY RULE JURISDICTIONAL EXCEPTION RULE</p> <p>No Standards apply in these assignments.</p> <p>Compliance with the RECORD KEEPING RULE and SCOPE OF WORK RULE is not required in these assignments.</p>	<p>Valuation services when <b>not</b> acting as an appraiser</p> <p>When performing these services, do not misrepresent your role: i.e., clearly communicate that you are <b>not</b> acting as an appraiser.</p>

The above table demonstrates how flexible USPAP is in its ability to remain simple (it is only 58 pages long) but still be able to address an infinite number of variables that exist across an incredibly wide range of possible appraisal problems an appraiser might be asked to solve. In all situations, complying with the law supersedes USPAP; this includes complying with all anti-discrimination laws that may apply.

USPAP is a principles-based document that addresses the foundational systematic procedure of the appraisal process. USPAP is not a rules-based document that prescribes a method or technique for a specific situation. USPAP provides the overall principles that must be followed, but federal agencies, state regulators, clients, lenders, etc., fill in details about how to meet those principles, based on the specifics for the type of assignment completed by the appraiser.

However, client guidance may not cover everything required to comply with anti-discrimination laws. Appraisers still have an independent obligation to know and comply with any aspects of the legal requirements that are not covered by client guidelines.

Complying with anti-discrimination laws will require a different set of actions for different situations. For example, an appraiser is completing an appraisal where the Fannie Mae Selling Guidelines are an assignment condition. The guidelines state, that "...[c]ertain other factors that are not appraisal factors, such as the racial or ethnic composition of a neighborhood or the age

<sup>48</sup> For more complete information, please review Advisory Opinion 21, as well as the PREAMBLE for a full explanation of how USPAP is organized and which STANDARDS and which RULES apply when.

or sex of the individuals who live in a particular neighborhood, must not be considered in the valuation process.”<sup>49</sup> Note, however, that because the FHAct itself also prohibits consideration of those factors, it would be prohibited regardless of whether any lender guidance existed.

In contrast, an appraiser has been hired by the federal government to complete a valuation service in the form of a study on appraisal bias that requires research of data related to race and the neighborhoods where appraisal assignments have been performed. The appraiser might need to research and consider protected characteristics, such as the race of the neighborhood residents, when completing this study.

USPAP recognizes there are many different times in the course of an appraisal assignment when an appraiser could potentially discriminate. Therefore, USPAP has many different requirements in place to ensure that an appraiser who follows USPAP can continually produce non-discriminatory appraisals worthy of the public’s trust.

It is important for the appraiser to recognize how many different requirements must be followed to produce appraisals that are not unlawfully discriminatory.

For example, a lender client has a different need than a client such as the U.S. Department of Interior, which can require the appraiser to follow the *Uniform Appraisal Standards for Federal Land Acquisitions* (also known as the Yellow Book). USPAP can only provide broad principle-based requirements for appraisers. Clients themselves can then provide detailed guidance related to solving their appraisal problems, or the appraiser will have the knowledge of the appropriate appraisal theories including the appropriate methods and techniques to know how to complete the necessary research and analysis that will result in credible assignment results when the client does not have detailed guidance for the appraiser.

<sup>49</sup> <https://selling-guide.fanniemae.com/Selling-Guide/Origination-thru-Closing/Subpart-B4-Underwriting-Property/Chapter-B4-1-Appraisal-Requirements/Section-B4-1-3-Appraisal-Report-Assessment/1032992631/B4-1-3-03-Neighborhood-Section-of-the-Appraisal-Report-06-03-2020.htm>

# Illustrations

As noted in the prior section, USPAP provides many requirements that, if not followed, could result in discriminatory appraisals. The table below includes examples.<sup>50</sup>

STEPS RELATED TO PERFORMING AN APPRAISAL	USPAP REFERENCE	EXAMPLE OF POSSIBLE DISCRIMINATORY ACTION
<b>Actions taken prior to the appraiser agreeing to perform the assignment</b>	COMPETENCY RULE (Lines 309 to 310)	An appraiser refuses to accept any appraisal assignments in majority Black neighborhoods.
<b>Approaching the assignment with the right mindset</b>	PREAMBLE (Line 40)	An appraiser is valuing a property in a predominately minority neighborhood and because of this fact, decides that they will value the property below the pending sale price, even before performing any research or analysis.
<b>Having the competency to complete the assignment</b>	COMPETENCY RULE (Lines 309 to 310)	Not knowing which laws apply to the appraiser or to the assignment, and thus, not following them (regardless of intent).
<b>Performing the assignment with impartiality, objectivity, and independence</b>	ETHICS RULE (Lines 185 to 186)	The appraiser concludes an opinion of value below the property's market value because of the property owner's religious beliefs.
<b>Application of the approaches to value</b>	ETHICS RULE (Lines 198 to 200)	The appraiser, after concluding the subject property may be occupied by a minority, intentionally selects comparable sales based on the perceived race of that occupant.
<b>Data collection and analysis</b>	COMPETENCY RULE (Lines 306 to 310)	The appraiser checked census data regarding racial composition of the subject's subdivision and several competing subdivisions, then used that data to restrict the use of comparable sales from subdivisions with similar racial compositions.
<b>Reporting assignment results</b>	COMPETENCY RULE	The Appraisal Report contained the following words "According to census data, this neighborhood is

<sup>50</sup> These examples are provided for illustrative purposes only. They should not be construed as legal advice, nor as accurate for all given scenarios. Only those charged with enforcing antidiscrimination laws and regulations can conclude if something was or was not an illegally discriminatory action, based on the specifics of that case.

	(Lines 299 to 300)	comprised of 30% white occupants, 60% Black occupants and 10% are of a mixed race.”
<b>Market analysis</b>	Standards Rule 1-3 (a) (Lines 505 to 511)	The appraiser misleads the intended user by not researching the market to understand the characteristics relevant to the property’s value, but instead bases conclusions on racist or stereotypical assumptions.

# USPAP

Episodes of turmoil and abuse of the appraisal process in public works-related areas, property taxation, and federal housing programs appeared in the 1950s, 60s and 70s, followed by major problems that surfaced in the 1980s during what is often referred to as the “Savings and Loan Crisis.”

USPAP was created after these events and was the result of a major effort to standardize the appraisal process. As such, USPAP was written in a way that follows the workflow of the appraisal process. The appraisal process is the distinct way by which appraisers from all appraisal disciplines apply their knowledge and skills to the solution of appraisal problems. By following USPAP, every appraiser follows the same process when working to solve appraisal problems. Regardless of whether the appraiser is appraising a residential property, a cell phone tower, a billboard, water rights, or jewelry, USPAP establishes the professional standards appraisers follow when required by law, regulation, agreement with a client, or choice. USPAP provides a systematic procedure that is a model for resolving appraisal problems.

And while USPAP establishes the overall process of developing an opinion of value, it does not instruct the appraiser what method or technique to use, which laws to follow, what sources to consult, what questions to ask, how to find relevant data, or even what specific and exact information to include in a report.

While the *Uniform Standards of Professional Appraisal Practice* does not contain appraisal theory, it is related to appraisal theory. Appraisal theory seeks to understand what creates value, how it changes, and how to analyze value. And appraisal practice, then, is the application of that theory to solve problems.

The core takeaway from this section of the course is not to state which anti-discrimination laws are applicable in any given situation; it is to remind the appraiser of their USPAP obligations as they relate to non-discrimination principles expressed in law or regulation.

An appraiser completing a residential real property appraisal for a lender, in light of the fact that these assignments are subject to specific fair lending and fair housing laws, for example:

- Must not discriminate based on characteristics such as race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, disability or any other characteristic protected by law.
- Must support their opinions and conclusions with relevant evidence and logic, and not base conclusions on, for example, stereotypical assumptions about people or neighborhoods.
- Must not perform assignments with a preference or inclination that precludes an appraiser's impartiality, independent, or objectivity in an assignment.

Fair lending and fair housing laws are the bedrock on which ethical and equality goals are placed. An appraiser protects the public trust by ensuring they, themselves, take the professional standards and applicable anti-discrimination laws seriously. By following each requirement in USPAP, including the requirement to know and comply with relevant law, they will be able to create appraisal reports that are free of valuation bias and are not discriminatory either in intent or in effect.

## Resources

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Because anti-discrimination, valuation bias, fair housing, and fair lending topics consist of vast amounts of information, a 90-minute section of a course cannot possibly cover all relevant details. Therefore, the appraiser is reminded of an obligation they have when complying with USPAP:

*Competency may apply to factors such as, but not limited to, an appraiser's familiarity with a specific type of property or asset, a market, a geographic area, an intended use, specific laws and regulations, or an analytical method. If such a factor is necessary for an appraiser to develop credible assignment results, the appraiser is responsible for having the competency to address that factor or for following the steps outlined [in USPAP] to satisfy this COMPETENCY RULE.*

Additional resources will contain information the appraiser needs to know to remain competent when they are performing work which, in one way or another, requires them to be competent in specific federal, state, or local anti-discrimination laws (and to follow them). Places to look for these resources may include some of the following.

- Education providers who offer courses on topics such as valuation bias, fair housing, fair lending, and anti-discrimination related issues.
- Federal agencies charged with enforcing non-discrimination standards.
- State regulatory agencies tasked with appraisal credentialing.
- Appraiser membership organizations.

NOTE: The list above should not be considered exhaustive or as representative of what any individual appraiser must know for any specific, individual assignment. What is applicable in one assignment (or to one appraiser) may not be applicable in a seemingly similar situation.

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Pinto, Edward J., and Peter, Tobias. "How Common Is Appraiser Racial Bias—An Update." American Enterprise Institute, May 26, 2022, <https://www.aei.org/research-products/report/how-common-is-appraiser-racial-bias-an-update>

# NEWSLETTER



Dear Tyler,

I hope you had a wonderful Thanksgiving. November was a busy month at the Foundation. Both the Board of Trustees and The Appraisal Foundation Advisory Council held their final meetings of 2022.

The Board of Trustees meeting was particularly eventful. Tom Boyer received the Chair Service Award, and outgoing trustees were honored for their service, including Jeff Dickstein, Pete Fontana, Jeremy Gray, and Laurie Hollingsworth. The Board also selected its 2023 leadership with Dayton Nordin serving as chair, Tracy Johnston as vice chair, Frank Gregoire as secretary, Ray Waggener as treasurer, and Randall Kopfer as immediate past chair.

The Appraisal Standards Board welcomed three new members, Anjanette Hutson, Heather Sullivan and Raymond Krasinski, and Michelle Czekalski Bradley was reappointed. Michelle Czekalski Bradley and Nick Pilz were once again named chair and vice chair, respectively.

The Appraiser Qualifications Board reappointed Byron Miller, Donna Vandervries, and Gerald Yurek. Brad Swinney and Gerald Yurek were once again named chair and vice chair, respectively.

Congratulations to all of our new and returning board members. We look forward to seeing everything these boards will do in the coming year.

Finally, I want to wish you all a wonderful holiday season and a happy new year. 2022 has certainly been an eventful year, and I look forward to seeing what 2023 has in store!

Sincerely,

Dave Bunton  
President

## In This Newsletter

**From the President's Desk: A recap of the fall Board of Trustees meeting**

**CARE**

**Special Episodes of Appraiser Talk**

## Upcoming Events

**Feb. 16: [ASB Public Meeting](#)**

## Contact Us

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[info@appraisalfoundation.org](mailto:info@appraisalfoundation.org)

[www.appraisalfoundation.org](http://www.appraisalfoundation.org)

## Follow Us



## Share this Newsletter

Click [here](#) to get a shareable link of this month's newsletter to share on social media.

## Council to Advance Residential Equity (CARE)

The Appraisal Foundation Board of Trustees and staff is continuing work to establish the Council to Advance Residential Equity. This council consists of organizations with a mission of consumer advocacy, fair housing, or civil rights. This council will hold its inaugural meeting this month. If you know of an organization that might be interested in participating, please contact Jalin Debeuneure at [jalin@appraisalfoundation.org](mailto:jalin@appraisalfoundation.org).

## Special Episodes of Appraiser Talk

In November, Appraiser Talk did a special series of episodes celebrating the Foundation's 35th anniversary. Each episode looked back at a different part of the appraisal profession over the past 35 years and looked ahead to see what the next 35 years has in store.

You can check out these special episodes [here](#). Click [here](#) to sign up to receive a notification each time a new episode is published.

You can subscribe to Appraiser Talk on Spotify, Apple Podcasts or wherever you get your podcasts. If you have a question you'd like to hear answered on the show, email it to Amy Timmerman at [amy@appraisalfoundation.org](mailto:amy@appraisalfoundation.org).

## About The Appraisal Foundation

The Appraisal Foundation is the nation's foremost authority on the valuation profession. The organization sets the Congressionally authorized standards and qualifications for real estate appraisers, and provides voluntary guidance on recognized valuation methods and techniques for all valuation professionals. This work advances the profession by ensuring appraisals are independent, consistent, and objective. More information on The Appraisal Foundation is available at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

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Dave Bunton  
The Appraisal Foundation  
1155 15th Street NW STE 1111  
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# ANNOUNCEMENT



Hi Tyler,

Thank you for your continued interest in the Practical Applications of Real Estate Appraisal (PAREA). We wanted to take this opportunity to provide a few updates about this exciting new pathway.

In just the last five months, numerous providers have submitted their individual preliminary PAREA programs to the Appraiser Qualifications (AQB) for review. Thus, several different programs are currently in development. As of today, we are aware of three PAREA Program Providers who have publicly announced that they are developing their PAREA Programs:

- [Appraisal Institute](#), the recipient of The Appraisal Foundation's conditional grant supporting the development of a PAREA module, hopes to launch by September 2023
- [OPTEON](#) is actively developing their [PAREA](#)
- [McKissock](#) hopes to launch in [fall of 2023](#)

We have a dedicated [PAREA webpage](#) that will be updated as things become available.

Our informal tracking shows that **36 states** that have, one way or another, indicated that completion of PAREA will be acceptable to fulfill the experience requirement. Note that this is an informal tracking, and one should always confirm with the state on their status.

We have a [Diversity, Equity and Inclusion](#) and [Veterans' Resource](#) page with additional resources and list of mentors for aspiring appraisers.

Thank you again for your continued interest in PAREA. We will contact you once a program is available.

Sincerely,

The Appraisal Foundation Staff



### About The Appraisal Foundation

The Appraisal Foundation is the nation's foremost authority on the valuation profession. The organization sets the Congressionally-authorized standards and qualifications for real estate appraisers, and provides voluntary guidance on recognized valuation methods and techniques for all valuation professionals. This work advances the profession by ensuring appraisals are independent, consistent, and objective. More information on The Appraisal Foundation is available at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

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## Quarterly Update

To submit a story, update, or announcement for the next quarterly newsletter, please send it to Brandy March at [brandy.march@aaro.net](mailto:brandy.march@aaro.net). The next quarterly update will be sent around December 1, 2022.

### September 2022

- September 6, 2022: FHFA [releases](#) 2023-2024 multifamily goals.
- September 12, 2022: The Appraisal Foundation held a forum to discuss [Education Requirements: Fair Housing Laws and Valuation Bias Education](#). Check out the video [here](#).
- September 16, 2022: A federal judge has [dismissed](#) a "negligent misrepresentation" claim in a lawsuit filed by a Marin (California) City couple that claimed their home appraisal was lower than market value based on their race.
- September 26, 2022: Fannie and Freddie [return](#) to court over the conservatorship.
- September 26, 2022: Mississippi [outlines](#) new training program.
- September 26, 2022: Mortgage rates [exceed](#) 6% for the first time since 2008.
- September 26, 2022: Foreclosures [reach](#) pre-pandemic levels.
- September 29, 2022: House [passes](#) VA appraisal legislation.
- September 30, 2022: The AQB held a public hearing to discuss USPAP changes.

### October 2022

- October 4, 2022: Home values [decrease](#) for the second consecutive month.
- October 4, 2022: Bill targeting redlining [introduced](#) in the House.
- October 7, 2022: The final rule for temporary waivers was [issued](#).
- October 13, 2022: Black Families [Fall](#) Further Behind on Homeownership.
- October 14, 2022-  
October 17, 2022: AARO holds its annual conference in Washington DC. Presentations from the event are located [here](#).
- October 17, 2022: Appraiser Josh Walitt [announces](#) training program.
- October 17, 2022: Home sales [decline](#).
- October 20, 2022: The AQB [held](#) a public meeting.

## November 2022

- November 1, 2022: The AQB is currently working on an Exposure Draft of proposed changes to the *Real Property Appraiser Qualification Criteria* which will add fair housing and valuation bias as required components of an appraiser's qualifying and continuing education.
- November 5, 2022: The FHFA [addresses](#) appraisal bias.
- November 16, 2022: The Appraisal Foundations releases new updated materials for USPAP 7-hour course.
- November 16, 2022: Freddie Mac [reminds](#) appraisers to fully analyze market conditions.
- November 22, 2022: FHFA [publishes](#) new UAD file.

At this year's annual conference in Washington DC, Fran Oreto spoke with one first time attendee.

### Wade Becker



My name is Wade Becker. I'm attending my first AARO Conference on behalf of the North Dakota Appraiser's Association (NDAA). I currently serve as the Vice President and Chair of the Marketing and Public Relations Committee.

The NDAA was formed in 2016 to provide one organization to represent all appraisers statewide. The NDAA's primary objectives are to provide in-state education for appraisers, promote the appraisal profession in North Dakota, and to have a positive influence on the state political environment.

Our primary 2022 initiatives include: 1. Develop a plan to grow the number of appraisers, particularly in the underserved areas, by (a) assisting young professionals thinking of entering the business and (b) incentivizing experienced appraisers to take on the role of supervisor appraiser and 2. Foster collaboration between organizations within the real estate profession to establish common legislative goals that enhance the profession.

## Upcoming AARO Events

Join us for AARO's Spring Conference in Savannah, GA from May 8- May 11, 2023. More information located [here](#). For things to do in Savannah, GA, look [here](#).

### *Communications Committee:*

*Jacqueline Olson, Chair, Minnesota Department of Commerce*

*Fran Oreto, Vice Chair, Florida Real Estate Appraiser Board*

*Jodie Campbell, North Dakota Appraiser Board*

*Kevin Cyrus, DCRA*

*Bob Danehy, Lenders Allies*

*Charlie Gress, OCAP, Martin & Wood Appraisal Group*

*Brandy March, Managing Director, AARO*

*Allison McDonald, Executive Director, Florida Real Estate Appraiser Board*

*Craig Morley, UAA*

*Greg Stephens, FACT*

*Jonathan Stewart, Utah Division of Real Estate*